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Black excellence —the case of Dunbar High School

THOMAS SOWELL

SOCIAL pathology has held an enduring fascination for researchers, and nowhere more so than in the study of black Americans. Isolated "successes" or "heroes" receive occasional attention, but large-scale or institutionalized progress and excellence seem almost to be shunned, except for passing references to the "middle-class" end results. With all the voluminous outpourings on black educational pathology, there has been an almost total neglect of one of the most remarkable black educational success stories: Dunbar High School.

For a period of 85 years (1870-1955) Dunbar was an academically elite, all-black public high school in Washington, D.C. As far back as 1899, Dunbar students came in first in citywide tests given in *both* black and white schools. Over the 85-year span, most of Dunbar's graduates went on to college, even though most Americans—white or black—did not. Most Dunbar graduates could afford only to attend the low-cost local colleges: either federally-supported Howard University or tuition-free Miner Teachers College. However, those Dunbar graduates who attended Harvard, Amherst, Oberlin, and other prestigious institutions (usually on scholarships) ran up an impressive record of academic honors. For example, it is known that Am-

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herst admitted 34 Dunbar graduates between 1892 and 1954; of these, 74 per cent graduated, and more than one fourth of these graduates were Phi Beta Kappas.

In their careers, as in their academic work, Dunbar graduates excelled. The first black general (Benjamin O. Davis), the first black federal judge (William H. Hastie), the first black Cabinet member (Robert C. Weaver), the discoverer of blood plasma (Charles Drew), and the first black Senator since Reconstruction (Edward W. Brooke) were all Dunbar graduates. During World War II, Dunbar graduates in the Army included "nearly a score of majors, nine colonels and lieutenant colonels, and one brigadier general"[1]—a substantial percentage of the total number of high-ranking black officers at that time.

Almost as astonishing as Dunbar's achievements has been the ignoring of those achievements—which might, after all, conceivably have some bearing on questions about educating black children. No scholarly study of the school has yet appeared, and almost the entire literature on the subject consists of one slim volume, *The Dunbar Story,* printed privately at her own expense by Mary Gibson Hundley, a retired Dunbar teacher. Where Dunbar has been noticed at all, it has been brushed aside as a "middle-class" black school, and local tradition in Washington suggests that its students were predominantly light-skinned Negroes, many scarcely distinguishable from whites. The facts do not support either assertion, but the attempt to dismiss the Dunbar experience is a significant phenomenon in its own right.

History

What are the facts and factors in the Dunbar story? First of all, Dunbar High School, as it existed from its founding in 1870 to the school reorganization following the Supreme Court's integration decision in 1954, is no more. The name and the building are still there, but it is now just another ghetto school—in appearance, atmosphere, and statistical profile. It is more fortunate than most in having a dedicated principal, but she is clearly struggling against the odds. Alumni who refer to "Dunbar when it *was* Dunbar" do not help her, or today's students, but they are expressing a bitter historical truth.

The unique educational phenomenon that was Dunbar High

[1] Mary Gibson Hundley, *The Dunbar Story* (New York: Vintage Press, 1965), p. 57.

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School occurred between 1870 and 1955. The experience began in a basement school, changed locations and names,[2] but maintained institutional continuity and high academic standards. It was the first black high school in the United States, and it was an academic school from the beginning—fiercely resisting recurrent pressures upon it to become vocational, commercial, or "general." It taught Latin throughout this period, and in some early years Greek as well. It was never "relevant" to the passing fads, but it instilled individual and racial pride. In the building it has occupied since 1916, the auditorium is dominated by a verse by black poet Paul Laurence Dunbar:

Keep a-pluggin' away,
Perseverance still is king . . .

Why this particular school—and why Washington, D.C.? There is no ready answer. Certainly there was nothing radically distinctive about the Washington black community through most of the 20th century, and since Dunbar was unique from the outset, the elements of that uniqueness are probably best found in history and in the traditions generated by its early success.

Back in 1870, the Washington black community was in fact unique. Although slavery had ended just five years earlier, the Washington Negro community was much older than that. As far back as 1830, half the Negroes in Washington were free. Before the Civil War started, 78 per cent of the blacks in Washington were free. As the slave states of the South progressively tightened up their restrictions on the "free persons of color" in the decades preceding the Civil War, Washington became something of a Mecca for those free Negroes seeking a better life. The federal government's presence made Washington less oppressive than the Southern slave states and also opened employment opportunities in government jobs better than those open to black people elsewhere.

The Washington black community was thus more than a generation ahead in freedom and acculturation. Moreover, Dunbar was not a neighborhood school, but drew upon the entire black community of Washington for its students. It was in a similarly favorable position in recruiting its teachers and principals. Given the extreme scarcity of educated Negroes in 1870, Dunbar's performance could not be readily duplicated elsewhere within any reasonable span of years. The first black woman to receive a college degree in the United States graduated from Oberlin in 1862—and taught at Dunbar. The

[2] Rather than keeping track of a variety of changing names, we will use "Dunbar" throughout to denote each of the successive institutions continuously deriving from the high school established in 1870.

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first black man to graduate from Harvard received his degree in 1870 and became principal of Dunbar in 1872. For decades to come, Dunbar would have its choice of teachers with outstanding academic credentials. Four of its first eight principals graduated from Oberlin and two from Harvard. Some had graduate degrees as well. Dunbar had three Ph.D.'s on its teaching staff in the 1920's, due to the almost total exclusion of blacks from most college and university faculties. (It was 1942 before there was a black senior faculty member at any major university—and he was a Dunbar graduate.)

In short, as the first black high school, Dunbar had its pick of potential teachers and principals. By its early reputation for excellence, it continued to attract them. Segregation and discrimination gave it a captive market of both students and teachers. But though these may have been necessary conditions for Dunbar's success, they were hardly sufficient. What Washington also had was a black community that demanded academic excellence even in 1870, and continued to fight tenaciously for it over the years. As early as 1807, the approximately 500 "free persons of color" in the District of Columbia built a small school house for their children. Over the next several decades they sent their children to private schools before they were allowed in the public schools. When the "colored trustees" of the D.C. public school system established the first high school in 1870, they were planting it in fertile ground.

The founders

The achievements of Dunbar no doubt also reflect the personal qualities of individual leaders during the institution's formative years. A special kind of confidence and courage must have been required for a black man or woman to pioneer at Oberlin or Harvard in the middle of the 19th century, when the very capacity of the race for education was openly questioned, even by liberals opposed to slavery. The early Dunbar principals had to be individuals not easily discouraged, frightened, or inclined to compromise about quality. This is how historical accounts describe them. Certainly this became the dominant tradition of the school.

The head of the group which founded the first high school for Negroes was a remarkable man named William Syphax. He grew up as a free man, having been freed in infancy in 1826, and became a civil rights activist in the Washington Negro community in the mid-19th century. He was described as a man of "dauntless courage and unwavering integrity" who "dared to demand what was due his

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race, fearing no man regardless of position or color." The substance and tone of his messages to municipal and federal officials clearly support this description. He was hard-headed on education. While the group he led preferred Negro teachers for Negro children—other things being equal—they were not prepared to compromise quality for the sake of racial representation, for they deemed it a "violation of our official oath to employ inferior teachers when superior teachers can be had for the same money." Syphax was equally frank in telling the black community that it would have to send its children to school with respect for teachers and a willingness to submit to discipline and hard work, if their education was to amount to anything.[3]

The early principals were equally remarkable people. Mary Jane Patterson not only was the first black woman in the United States to earn a college degree, she did it by spurning the usual courses for women at Oberlin, and taking instead a program of Greek, Latin, and higher mathematics designed for "gentlemen." As principal, she was "a strong, forceful personality," noted for "thoroughness," and for being "an indefatigible worker." She was principal for a dozen years in the formative period of the school.[4]

A successor as principal, Robert H. Terrell, "devoted most of his time out of school to preparing boys for college," with the result that "a goodly number" later "completed their education at Harvard"[5]—and this at the turn of the century. The tradition continued as the school changed principals and buildings. In the period 1918-1923, Dunbar graduates earned 15 degrees from Ivy League colleges and universities, and 10 degrees from Amherst, Williams, and Wesleyan.

Throughout the period of its academic ascendancy, Dunbar was characterized by the *esprit* of its students, the dedication of its teachers, and the strong support of the community, both in everyday chores and in episodic crises. Special efforts were made to get college scholarships for bright but poor youngsters. Indeed, special efforts were often needed to get the parents of such youngsters to keep them in high school, instead of sending them to work to bring home some much needed help for family finances. One concrete indicator of student attitude is the record of attendance and tardi-

[3] E. Delorus Preston, Jr., "William Syphax, A Pioneer in Negro Education in the District of Columbia," *Journal of Negro History* (October 1935), pp. 462-64.

[4] Mary Church Terrell, "History of the High School for Negroes in Washington," *Journal of Negro History* (July 1917), pp. 255-56.

[5] *Ibid.*, p. 259.

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ness. A spot check of old Board of Education records in both categories shows Dunbar's record to have been superior to the average of its white counterparts, both around the turn of the century (1901-1902) and around mid-century (1952-1953).

Dunbar I.Q.'s

The argument has often been made that I.Q.'s have little relationship to performance as far as black people are concerned; however, there is already a considerable literature indicating that I.Q. and similar tests are equally accurate predictors of black and white academic performance. Dunbar provides a somewhat different kind of test of this hypothesis, based on a black group with outstanding performances in both academic and career terms. Are Dunbar I.Q.'s significantly different from the national average I.Q. of 85 for black Americans? The table below answers that question:

TABLE 1. *Mean I.Q. of Dunbar Students*

CLASS OF	ALL STUDENTS	GRADUATES ONLY	NON-GRADUATES ONLY
1938	105.5	111.6	97.1
1939	111.2	114.0	101.9
1940	108.5	111.1	100.9
1941	109.3	111.7	101.7
1942	105.2	107.8	101.4
1943	101.3	102.6	98.5
1944	106.0	109.8	97.5
1945	98.8	101.6	93.5
1946	102.1	105.7	102.1
1947	102.6	108.4	94.9
1948	105.3	106.5	98.2
1949	106.1	106.1	104.0
1950	110.9	111.3	99.4
1951	102.7	103.4	98.1
1952	103.1	104.7	94.3
1953	101.3	102.7	93.5
1954	101.7	102.6	98.8
1955	99.6	100.8	96.4

Dunbar students' average I.Q.'s were substantially higher than those of other blacks as reported in numerous surveys, and usually were above the national average as well. Even the Dunbar dropouts scored higher than the average of other blacks. It should be noted that Dunbar students were *not* selected on the basis of I.Q. tests. Indeed, admission to Dunbar was a matter of individual self-selection. No one was automatically assigned to Dunbar, because it was not a neighborhood school during the 1870-1955 period. Nor was it likely that anyone merely happened to enroll there, since its repu-

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tation and standards were well-known throughout the local black community. Indeed, some black youngsters from nearby Maryland and Virginia were known to give false D.C. addresses in order to attend.

The high I.Q.'s at Dunbar were hardly the whole story, however. An equal number of black students scattered elsewhere with equal I.Q.'s might not have produced an equal number of high academic and career performances, because certain other factors would have been lacking: (1) the *motivational* element associated with self-selection for such a school; (2) the benefits of mutual association with high-quality students and with teachers attracted to teaching such students; and (3) the school traditions, including distinguished alumni who were constantly being held up as examples to the students. Certainly, the kind of personal interest, counseling, and extra-curricular tutoring which Dunbar students received is extremely rare for black students today, whether in all-black or in integrated schools. A recent Ford Foundation study, for example, has reported the quality of counseling available to black students to be "markedly inadequate" in both North and South, and the testimony of college recruiters paints an even grimmer picture of neglect or distorted "guidance" given to black students.[6]

Clearly *not* essential to the Dunbar performance was racial integration, outstanding physical facilities, or generous financial support. It had none of these. Except for a few white teachers in its early days in the 1870's, Dunbar was an all-Negro school, from students to teachers to administrators, for generation after generation. Moreover, it was located in a segregated city, where as recently as 1950 Negroes were not admitted to most downtown movie theaters or restaurants. The physical facilities of Dunbar were always inadequate; its lunchroom was so small that many students had to eat lunch out on the street, and it was 1950 before the school had a public address system. Dunbar was part of a segregated school system, administered by whites at the top and perennially starved for funds. Internally, there were class-conscious and color-conscious cliques among students, and resentment of administration favoritism among the teachers. In short, the list of "prerequisites" for success in which educators indulge themselves was clearly not met at Dunbar.

I.Q.'s and sex

There is evidence that Dunbar was at its peak some time *before* the period when I.Q. scores were recorded. The slight downward

[6] See Thomas Sowell, *Black Education: Myths and Tragedies* (New York: David McKay Co., 1972), p. 143.

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drift of I.Q.'s over the 1938-1955 period is in keeping with the impression that this was the declining phase of its academic prime. The 1938-1955 period was studied statistically because this is the only period during Dunbar's academic prime for which I.Q. scores are available. Over the 18-year span, girls outnumbered boys every year—usually by about two to one, but by as much as three to one in the class of 1952. This conforms to a general predominance of females among high-I.Q. American Negroes—a baffling phenomenon, difficult to explain by either hereditary or environmental theories or by the cultural bias of the tests. Black males and females obviously draw upon the same pool of genes. They are also raised in the same environment. True, this environment creates sex role differentiation, but I.Q. tests are so structured as to produce virtually identical averages for males and females in the general population. Nevertheless, higher female I.Q.'s remain a persistent phenomenon among American Negroes, even though different tests are used in different times and places. I.Q. results from an all-male and an all-female junior high school (J.H.S. 139 and J.H.S. 136, respectively) serving the same neighborhood in central Harlem for a 20-year period (1941-1960) show the female school to have had a higher average I.Q. for all but one of the years for which such data were available. The particular I.Q. test used varied, but the relative standings of the sexes were virtually constant.

The higher I.Q.'s of black females might be a cultural peculiarity (along the lines of the Moynihan thesis, for example) or they could be a clue to the lower black I.Q. in general. Among human beings as a whole, and even among other mammals, males vary more (physically, emotionally, and mentally) with the environment than do females. If the generally low I.Q. scores of black Americans (or any other group) are due to environment rather than to heredity, it should also be expected that the lower average I.Q. would be accompanied by a degree of sex difference in I.Q. not found in the general population. This is almost invariably the case in studies of black American I.Q.'s. It is also true of studies of working class I.Q.'s in Britain, so it is hardly a racial characteristic.

Class and color

Given the general predominance of mulattoes among the "free persons of color" and their descendants, it seems probable that the light-skinned mulatto stereotype was applicable to the early Dunbar students and teachers. This group continued for many years to be

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over-represented among Dunbar students and teachers—but this is not to say that it constituted a majority. A study of old yearbook photographs at Dunbar High School shows the great bulk of the students to have been very much the color of most American Negroes. Any bias in the photography of that period—before black was beautiful—would be toward printing the pictures lighter than in life. My impression from visiting a Dunbar reunion also accords with the conclusion that most Dunbar students were not unusually light in complexion.

A study of class records for the period 1938-1955 also confirms that most Dunbar students' parents were *not* middle-class professionals. Among those students whose parents' occupations could be identified and categorized, the largest single category was consistently "unskilled and semi-skilled," and the median job index was at about the level of a white-collar worker. Perhaps more significantly, the differences in mean I.Q. were relatively slight between students whose parents fell in different occupational categories. For the classes of 1938-1955, the mean I.Q. of students whose parents were in the "unskilled and semi-skilled" category ranged from 96.1 in 1945 to 113.3 in 1950. The mean I.Q. of students whose parents were "professionals" ranged from 102.1 in 1942 to 124.2 in 1950. Moreover, even the academic exclusiveness of Dunbar should not be overstated. Figures available for the period 1938-1948 show that approximately one third of all black students enrolled in D.C. high schools were enrolled in Dunbar.

Although the local stereotype of Dunbar was that it was where the doctors' and lawyers' children went to school (as it probably was), the percentage of Dunbar students whose parents' occupations could be identified as "professional" never exceeded six per cent for any of the 18 years surveyed. Since only about half of the parental occupations were identifiable and categorized, this should be regarded as a high of about 12 per cent of the occupations known and classified—exceptionally large for a black school, but still a long way from predominance. Former Dunbar principal Charles S. Lofton refers to the middle-class stereotype as "an old wives' tale." "If we took only the children of doctors and lawyers," he asked, "how could we have had 1400 black students at one time?" Similarly, former Dunbar teacher Mary Gibson Hundley wrote: "A large segment of the students had one or more government employees for support. Before the 1940's these employees were messengers and clerks, with few exceptions."[7]

[7] Hundley, *op. cit.*, *p.* 31.

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Time and tradition

It is true, however, that the history and traditions of the school were to a large extent shaped by members of a few prominent families in Washington's Negro community. These were, typically, descendants of the antebellum "free persons of color," light-skinned in general, and in particular cases physically indistinguishable from whites. This group was not numerically dominant, and did not intermarry with the mass of blacks during most of the period under discussion, so it had little *biological* effect on the rest of the Negro population. (In fact, this small group of families married among themselves to such an extent that it became noted for birth defects.) But it did have a major and enduring cultural impact on the Dunbar community. For example, as late as the 1950's there was a dedicated Dunbar teacher of many years' service who had herself graduated from Dunbar, whose mother had graduated in the class of 1885, and whose grandfather had headed the group that set up the original school in the basement of a church in 1870. She is still active in alumni affairs today.

The history of Dunbar High School places in sharp relief the importance of time and tradition. Not only did the institution have a decisive head start as the first black high school in the country; the community from which it came had a similarly decisive head start in freedom, combined with stable employment opportunities in the federal government, even before the Civil War. These circumstances in turn drew into Washington a nucleus of like-minded and highly qualified Negroes, as well as a larger mass of less favored but also ambitious blacks receptive to their leadership. The individuals who founded and shaped the early history of the institution which became known as Dunbar High School were remarkable people, as is evidenced by their achievements as well as by accounts and descriptions of them. They were not narrow education careerists. Most went on to achieve distinction in other fields—as lawyers, judges, and, in one case, U.S. Consul in Vladivostok. The children and grandchildren of these individuals also went to Dunbar and often became teachers there as well, bringing a tradition and dedication that could not be bought on the open market.

A 20th-reunion survey of the class of 1940 indicates that Dunbar graduates apparently shared a striking characteristic of the black elite: fertility rates too low even to replace themselves. The married members of the class of 1940 averaged 1.6 children. This is typical of middle-class Negroes: They not only have far fewer children than lower-class Negroes, they have fewer children than whites of the

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same income or education as themselves. This demographic peculiarity means that a great part of the struggle from poverty to middle-class status has to be repeated in the next generation, for very few black children are born to parents who could start them off with the benefits won by their own struggle.

Decline and fall

The Supreme Court desegregation decision of 1954 set in motion a series of events which in a few years destroyed all that had been built up over several decades at Dunbar High School. The whole dual school system in Washington had to be reorganized. In this reorganization, all D.C. schools became neighborhood schools. The neighborhood in which Dunbar was located was one of the poorest multi-problem areas of the Washington ghetto. For years it had been the pattern that most youngsters who *lived* near Dunbar did not *go* to Dunbar. Now, suddenly, they did—and the character of the school began to change drastically. As an interim measure, existing Dunbar students were allowed to continue in the school until graduation, regardless of where they lived, and most elected to do so. This postponed the inevitable, but not for long.

Teachers used to bright, eager students began to find learning problems and then disciplinary problems in their classrooms. Advanced courses in mathematics faced dwindling enrollments which finally forced their cancellation, while remedial math courses appeared for the first time. Similar trends were apparent in other subjects as well. The Dunbar teaching staff at that time was somewhat advanced in years, and many began retiring—some as early as the minimum age of 55, whereas in the past it had been common for Dunbar teachers to stay on until the mandatory retirement age of 70. Equally qualified replacements were hard to find, with Dunbar now rapidly becoming a typical ghetto school. Ironically, the drastic changes forced upon Dunbar in the reorganization that followed the 1954 Supreme Court decision had virtually no desegregation effect, given the virtually all-black neighborhood in which the school was located.

Today, the present principal of Dunbar, Mrs. Phyllis Beckwith, spends much of her time dealing with discipline problems: roaming the halls to maintain order, receiving police reports on truants loitering on the streets during school hours, and otherwise struggling to achieve the kind of learning atmosphere earlier Dunbar principals could take for granted. In addition, Mrs. Beckwith spends a consid-

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erable amount of her own after-school time maintaining contacts with the still active Dunbar alumni groups—attending class reunions and trying to elicit concern from the old Dunbar graduates for today's very different students. Her dedication is virtually the only reminder today of the Dunbar tradition. To an observer, her efforts seem heroic but largely unappreciated—either by the current students or by the old alumni, who show little sympathy for the students who to them represent the destruction of their school.

The Supreme Court's desegregation decision, as such, did not doom Dunbar High School. Theoretically, Dunbar could have remained an academically elite high school, not tied to neighborhood boundaries, and could have simply opened up to students without regard to race. There have been public schools of this sort in New York, Boston, and other cities. But in the emotionally charged atmosphere of the time, under the strong legal and political pressures to "do something" in the nation's capital, such a resolution was never a realistic possibility. "Neighborhood schools" was the rallying cry of whites resisting total desegregation; "integration" was the battle cry of black leaders. The maintenance of educational quality at a black elite high school had no such emotional appeal or political clout. The school reorganization plan gave something to both sides —a measure of integration and the maintenance of neighborhood schools—and so was a political success. For Dunbar, however, it was an educational catastrophe.

The Board of Education which promulgated the reorganization plan of 1954 that destroyed Dunbar High School seems to have had no appreciation of or concern about this possibility. In the lengthy and bitter debates recorded in the Board of Education minutes, almost every conceivable problem was argued, other than the effect of the reorganization on Dunbar High School. This is all the more remarkable because the Board's most vocal critic of the school superintendent's plan was a Dunbar alumna. Yet even today she cannot recall saying a word about Dunbar High School at the time, even in executive sessions not reported in Board minutes. Integration was the cry of the hour and the fight of the hour.

The conditions of achievement

Although Dunbar High School was the product of unique historical circumstances, its educational and social achievements have continuing relevance. First of all, it showed what could be done with black children, including substantial numbers from low-income

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backgrounds. The question of *how* it was done needs more exploration. It was not done by teaching ethnocentric "relevance," nor was it achieved with generous financing or even with adequate plant and equipment.

What Dunbar had was a solid nucleus of parents, teachers, and principals who knew just what kind of education they wanted and how to produce it. They came from one of the oldest and largest urban black middle classes in the nation. But the beneficiaries of this situation were not exclusively, or even predominantly, middle-class students. Because the knowledge and educational values of the black elite were institutionalized and traditionalized, they became available to generations of low-income black students. Despite the fashionable (and sometimes justified) criticism of the old "black bourgeoisie," they were a source of know-how, discipline, and organization otherwise virtually unavailable to lower-class blacks. The possibilities of transmitting this sophistication from a fortunate segment of the race to a wider range of receptive individuals may now have declined with the exit of the black middle class to the suburbs and with the rise of ideological barriers insulating "militant" black youth from such influences.

The I.Q. scores of Dunbar students averaged very much higher than those of black students in general, indicating that I.Q.'s and achievement are correlated among blacks as among whites. Note that "achievement" here means the *subsequent* accomplishments of students, rather than the socioeconomic background of their parents. Dunbar students from homes of low socioeconomic status also had substantially higher I.Q.'s than the black population at large. Special efforts were made by Dunbar teachers and counselors to tutor promising students from such backgrounds and to see that both they and their parents understood the importance of a college education, and the numerous practical details to be taken care of in order to secure college admission and financial aid. Most black high school students today get nothing resembling this kind of preparation, whether they are in all-black or in "integrated" schools.

Patterns of black success

Dunbar developed and thrived during its period of academic ascendancy in almost total isolation from whites. Even as a subject of research, Dunbar was as remote from whites as if it were on Mars. It was part of a dual school system ultimately controlled by whites, but the white officials took little interest in what was going

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on at Dunbar, and such interest as they did manifest took such forms as trying to get the school to move in a non-academic direction and resisting the demands of Dunbar parents for calculus courses and better chemistry labs. They casually destroyed the institution as an incidental by-product of their reorganization of the Washington school system in 1954. Ironically, white liberals noticed Dunbar only *after* it became a typical ghetto school with all the usual problems—and even then its previous history remains wholly unknown to them. Considering the general effect of white liberals on black education, it may be that the absence of such people and their "innovative" programs should be counted among Dunbar's major advantages.

The Dunbar experience is by no means an argument for either externally imposed segregation or self-imposed separatism—and in fact the school fought against both these ideas. The founders of the school first tried to secure equal access to all public schools for all students, and only when this failed did they set about producing the best school they could for black youth. Down through the years, Dunbar teachers sought to break through the imposed insularity of a segregated society by bringing both black and white speakers, entertainers, and other cultural attractions to the school. While Dunbar promoted racial pride, it was pride in the achievements of outstanding Negroes as measured by universal standards, not special "black" achievements by special "black" standards.

There is a tendency among some white critics of the American Negro to point to particular black "success" models and ask, "Why can't the *others* do it?" If racial barriers and cultural handicaps did not stop men like Ralph Bunche and Edward Brooke, how can they provide a blanket excuse for welfare recipients and hell-raisers? It is no answer to say that Bunche, Brooke, and others were just "exceptions," for that amounts to nothing more than rephrasing the question. What the Dunbar history shows is the enormous importance of time, tradition, and institutional circumstances in providing the essential setting in which individual achievement can flourish. If such achievements were wholly or predominantly a matter of personal ability, so many outstanding individuals would not have come from one institution.

This concentration of black achievement in a few special settings is not limited to Dunbar. As rare as black doctorates are, empirically they are not *isolated* phenomena. A study of 609 Ph.D.'s awarded to Negroes in 1957-1962 showed that, while these black Ph.D.'s had attended 360 different high schools, 5.2 per cent of these high schools

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had produced 20.8 per cent of the Ph.D.'s. (Dunbar was first among these high schools.) A more relevant comparison would have included the vast number of black high schools whose alumni earned *no* Ph.D.'s during that period—but this would only have made the concentration still more extreme. Another study examined those black families in which someone had earned a doctoral degree of some sort (M.D., Ph.D., etc.) and found that the average number of doctorates per family was 2.25. If the family setting permitted someone to earn a doctorate, it generally permitted more than one to earn a doctorate. Impressionistic evidence on the backgrounds of historic black figures also suggests that black achievements have come out of circumstances very different from those which the majority of Negro Americans experience. W. E. B. DuBois grew up with aristocratic New England whites, Ralph Ellison grew up on frontier territory, George Washington Carver was raised by a German couple, and even Booker T. Washington, though "up from slavery," was in his youth the protegé of a succession of wealthy, educated, and influential whites. This in no way demeans the achievement of these men, for ultimately they had to have the ability to do what they did. But it does underline the importance of the special circumstances necessary for individuals to realize their potential—and the remoteness of these circumstances from the lives of most American Negroes.

The problem of discipline

Despite the emphasis on small classes in the educational literature, Dunbar had large classes. As far back as 1877, there were 40 students per teacher, and a survey in 1953 showed Dunbar's student-teacher ratio to be higher than that of any white senior high school in Washington. This was not a matter of principle but of necessity, given the inadequate financial support the school received from the white-controlled Board of Education. Obviously, class size is less of a handicap with self-selected and highly motivated students than with average students or with students lacking self-discipline. But while the Dunbar experience is not directly generalizable to ghetto schools, it does indicate where the problem lies. There is no inherent reason why large classes cannot be educationally effective, or even psychologically inspiring. The class size at which learning breaks down and disorder sets in is a function of the attitudes brought to the situation by students and teachers.

Much contemporary discussion of teaching methods, educational

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philosophies, and organizational principles in the school system seems unreal in the context of the "blackboard jungle" atmosphere in many ghetto schools. While more classroom time is often devoted to trying to maintain order (or contain disorder) than to teaching, more educational literature is devoted to philosophy, politics, "black English," and in fact almost anything other than the overriding problem of reducing the chaos, disruption, and fear which can prevent *any* teaching method or philosophy from being effective. Yet it is not considered politic, much less chic, to discuss such things.

Although Dunbar, when it was an elite high school, had few discipline problems, its history is not wholly irrelevant here. The importance of parental attitudes and parental involvement was recognized literally from the inception of the school. Although Washington in 1870 had many Negro families who were ready and eager for a first-rate school, it also had many who were not. The recent abolition of slavery had swelled the black population of Washington with many new arrivals from Southern and border states. As of 1868, only about one third of the Negro children of the District of Columbia were attending any school. In this setting, William Syphax's admonitions to black parents to send their children to school with respect for learning and a readiness to work were very much to the point.

Black schools that have been educationally successful generally have *not* shared a common teaching method or educational philosophy. They *have* almost invariably had a high level of parental involvement. This was true throughout the ascendacy of Dunbar High School. It was also true of successful Harlem schools studied by Charles E. Silberman.[8]

The importance of parental involvement

I found a graphic example of this in a ghetto school I visited in Cincinnati. Although Frederick Douglass School did not attain the erstwhile academic achievements of Dunbar, it was striking because its ancient building stood in the midst of a run-down slum, with no fence around it, no bars on the windows, no graffiti, quiet halls, and an atmosphere of human relations among the staff that would have been a credit to a middle-class private school. Board of Education statistics showed its staff morale indicators (turnover, etc.) and student performance to be well ahead of what should have been ex-

[8] Charles E. Silberman, *Crisis in the Classroom—the Remaking of American Education* (New York: Random House, 1970).

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pected according to the socioeconomic profile of its neighborhood. Principal Tom Murray mentioned in passing that the school had corporal punishment, and added: "The staff resisted the idea, but the parents insisted upon it." When a white principal in a black school is given the authority to administer corporal punishment at the insistence of the parents, there is clearly more here than meets the eye—particularly in an era when the very appointment of a white principal in a black school is often opposed by the community (as Murray's appointment had been). Yet, by visiting the homes of hundreds of students, by talking "straight" (even bluntly) to the parents, by involving himself in the community, this man had been able to involve the community in the school. The important question here is not whether corporal punishment is good or bad, any more than the important question about Dunbar was whether Latin was really needed. The point is that certain human relations are essential to the educational process, and when these conditions are met, then education can go forward—regardless of methods, educational philosophy, or physical plant.

Parental involvement is particularly important in black schools, for the black culture is not a permissive culture. If black kids raise hell, it is because their parents don't know or don't care, but *not* because of any philosophy that youths should "do their own thing." Where black parents have become involved in a school, they have sometimes urged a stricter discipline than the school was prepared to impose. Parental involvement does not mean making "community control" either an ideological dogma or a public relations ploy. Where a community has a high rate of residential turnover, "community control" can mean the unchallenged dominance of a handful of activists not accountable to any lasting constituency. What is important is the widespread involvement of individual parents as such.

The importance of individual parents is often ignored or slighted. Schemes for "open enrollment," voucher systems, or any other form of free choice by black parents of public school children invariably run into the argument that uneducated ghetto parents cannot make informed educational choices. Yet the history of Dunbar High School shows that only a relative handful of people need to understand the complexities involved in creating a first-rate education. Once they have created such an education, the others need only be able to *recognize* it. Generations of *non*-middle-class youngsters were sent to Dunbar for just this reason. Today, thousands of other non-middle-class black youngsters are being taken out of dreadful ghetto schools (created by those who presumably do understand education) and

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enrolled in local Catholic schools by Protestant black families. The cost of such schools is typically very low compared to other private schools, but still very high compared to ghetto incomes—and yet many black families are making this sacrifice in cities across the country. But this widespread phenomenon remains a non-event for intellectuals, just as Dunbar High School was a non-event for 85 years. To admit the possibility of widespread individual initiative on the part of those at the bottom of the socioeconomic ladder would be to threaten a whole conception of the world and of the intellectuals' own role in it.

The Dunbar example

During the 1870-1955 period, the self-selection of students freed Dunbar from the incubus of disinterested and disruptive students. After such students began entering, following the school reorganization of 1954, they destroyed the school within a few years. Various forms of self-selection can free other institutions from the hard core of disruptive and violent students, but all plans that involve freedom of choice (vouchers, open enrollment, etc.) are damned by critics as inhibiting racial integration. It is an empirical question, however, whether black youngsters will gain more educationally by separation from a hard core of hell-raisers or by integration with whites. Studies of the educational effects of integration show few gains. Yet the shibboleth of integration is still powerful enough to thwart fundamental educational reform.

The combination of historical circumstances that created Dunbar High School can never be recreated. Some of those essential circumstances *should not* be recreated—for example, the racial barriers which led a scholar like Carter G. Woodson to teach at Dunbar High School, when he should have been conducting graduate seminars at a major university. Yet such historical experiences contain important lessons for the present. Dunbar did not seek "grass-roots" teachers who could "relate" to "disadvantaged" students, even though a substantial part of its students were the children of maids, messengers, and clerks. Dunbar's faculty included many "overqualified" people, in today's parlance. Almost all of its principals during its 85-year ascendancy held degrees from the leading colleges and universities in the country—not teacher's college degrees or education degrees from other institutions. They had been trained in hard intellectual fields and had been held to rigid standards, and this was reflected in the atmosphere and standards of Dunbar.

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While the Dunbar experience provides some empirical refutation for currently fashionable statements about the "necessary" ingredients of good education for black children, it is not itself a universal model. Part of Dunbar's strength was that it did not try to be all things to all people. The founders of the school intended it to be an institution solely devoted to preparing black students for college and in that special role it was unsurpassed. It showed what could be done and some of the ways that it could be done; it also demonstrated that some of the presumed "prerequisites" of good education are not really essential. What *is* essential is to create and sustain an atmosphere of academic achievement.

Dunbar High School provides no instant formulas for use by "practical" planners. Its example suggests that instant formulas by "practical" planners may not be the way to quality education. What is needed, above all, is *a sense of purpose,* a faith in what can be achieved, and an appreciation of the hard work required to achieve it. As the many flaws of Dunbar indicate, it is not necessary to find ideal people or an ideal setting, but it does require a dedicated nucleus of people in a setting where their dedication can be effectual.

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What works? —questions and answers about prison reform

ROBERT MARTINSON

IN THE past several years, American prisons have gone through one of their recurrent periods of strikes, riots, and other disturbances. Simultaneously, and in consequence, the articulate public has entered another one of its sporadic fits of attentiveness to the condition of our prisons and to the perennial questions they pose about the nature of crime and the uses of punishment. The result has been a widespread call for "prison reform," i.e., for "reformed" prisons which will produce "reformed" convicts. Such calls are a familiar feature of American prison history. American prisons, perhaps more than those of any other country, have stood or fallen in public esteem according to their ability to fulfill their promise of rehabilitation.

One of the problems in the constant debate over "prison reform" is that we have been able to draw very little on any systematic empirical knowledge about the success or failure that we have met when we *have* tried to rehabilitate offenders, with various treatments and in various institutional and non-institutional settings. The field of penology has produced a voluminous research literature on this subject, but until recently there has been no comprehensive review of this literature and no attempt to bring its findings to bear, in a

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useful way, on the general question of "What works?". My purpose in this essay is to sketch an answer to that question.

The travails of a study

In 1966, the New York State Governor's Special Committee on Criminal Offenders recognized their need for such an answer. The Committee was organized on the premise that prisons could rehabilitate, that the prisons of New York were not in fact making a serious effort at rehabilitation, and that New York's prisons should be converted from their existing custodial basis to a new rehabilitative one. The problem for the Committee was that there was no available guidance on the question of what had been shown to be the most effective means of rehabilitation. My colleagues and I were hired by the committee to remedy this defect in our knowledge; our job was to undertake a comprehensive survey of what was known about rehabilitation.

In 1968, in order to qualify for federal funds under the Omnibus Crime Control and Safe Streets Act, the state established a planning organization, which acquired from the Governor's Committee the responsibility for our report. But by 1970, when the project was formally completed, the state had changed its mind about the worth and proper use of the information we had gathered. The Governor's Committee had begun by thinking that such information was a necessary basis for any reforms that might be undertaken; the state planning agency ended by viewing the study as a document whose disturbing conclusions posed a serious threat to the programs which, in the meantime, they had determined to carry forward. By the spring of 1972—fully a year after I had re-edited the study for final publication—the state had not only failed to publish it, but had also refused to give me permission to publish it on my own. The document itself would still not be available to me or to the public today had not Joseph Alan Kaplon, an attorney, subpoenaed it from the state for use as evidence in a case before the Bronx Supreme Court.[1]

During the time of my efforts to get the study released, reports of it began to be widely circulated, and it acquired something of an underground reputation. But this article is the first published account, albeit a brief one, of the findings contained in that 1,400-page manuscript.

What we set out to do in this study was fairly simple, though it

[1] Following this case, the state finally did give its permission to have the work published; it will appear in its complete form in a forthcoming book by Praeger.

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turned into a massive task. First we undertook a six-month search of the literature for any available reports published in the English language on attempts at rehabilitation that had been made in our corrections systems and those of other countries from 1945 through 1967. We then picked from that literature all those studies whose findings were interpretable—that is, whose design and execution met the conventional standards of social science research. Our criteria were rigorous but hardly esoteric: A study had to be an evaluation of a treatment method, it had to employ an independent measure of the improvement secured by that method, and it had to use some control group, some untreated individuals with whom the treated ones could be compared. We excluded studies only for methodological reasons: They presented insufficient data, they were only preliminary, they presented only a summary of findings and did not allow a reader to evaluate those findings, their results were confounded by extraneous factors, they used unreliable measures, one could not understand their descriptions of the treatment in question, they drew spurious conclusions from their data, their samples were undescribed or too small or provided no true comparability between treated and untreated groups, or they had used inappropriate statistical tests and did not provide enough information for the reader to recompute the data. Using these standards, we drew from the total number of studies 231 acceptable ones, which we not only analyzed ourselves but summarized in detail so that a reader of our analysis would be able to compare it with his independent conclusions.

These treatment studies use various measures of offender improvement: recidivism rates (that is, the rates at which offenders return to crime), adjustment to prison life, vocational success, educational achievement, personality and attitude change, and general adjustment to the outside community. We included all of these in our study; but in these pages I will deal only with the effects of rehabilitative treatment on recidivism, the phenomenon which reflects most directly how well our present treatment programs are performing the task of rehabilitation. The use of even this one measure brings with it enough methodological complications to make a clear reporting of the findings most difficult. The groups that are studied, for instance, are exceedingly disparate, so that it is hard to tell whether what "works" for one kind of offender also works for others. In addition, there has been little attempt to replicate studies; therefore one cannot be certain how stable and reliable the various findings are. Just as important, when the various studies use the term "recidivism rate," they may in fact be talking about somewhat dif-

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ferent measures of offender behavior—i.e., "failure" measures such as arrest rates or parole violation rates, or "success" measures such as favorable discharge from parole or probation. And not all of these measures correlate very highly with one another. These difficulties will become apparent again and again in the course of this discussion.

With these caveats, it is possible to give a rather bald summary of our findings: *With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.* Studies that have been done since our survey was completed do not present any major grounds for altering that original conclusion. What follows is an attempt to answer the questions and challenges that might be posed to such an unqualified statement.

Education and vocational training

1. *Isn't it true that a correctional facility running a truly rehabilitative program—one that prepares inmates for life on the outside through education and vocational training—will turn out more successful individuals than will a prison which merely leaves its inmates to rot?*

If this *is* true, the fact remains that there is very little empirical evidence to support it. Skill development and education programs are in fact quite common in correctional facilities, and one might begin by examining their effects on young males, those who might be thought most amenable to such efforts. A study by New York State (1964)[2] found that for young males as a whole, the degree of success achieved in the regular prison academic education program, as measured by changes in grade achievement levels, made no significant difference in recidivism rates. The only exception was the relative improvement, compared with the sample as a whole, that greater progress made in the top seven per cent of the participating population—those who had high I.Q.'s, had made good records in previous schooling, and who also made good records of academic progress in the institution. And a study by Glaser (1964) found that while it was true that, when one controlled for sentence length, more attendance in regular prison academic programs slightly decreased the subsequent chances of parole violation, this improvement was not large enough to outweigh the associated disadvantage for the "long-attenders": Those who attended prison school the longest also turned out to be those who were in prison the longest. Presumably,

[2] All studies cited in the text are referenced in the bibliography which appears at the conclusion of this article.

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those getting the most education were also the worst parole risks in the first place.[3]

Studies of special education programs aimed at vocational or social skill development, as opposed to conventional academic education programs, report similarly discouraging results and reveal additional problems in the field of correctional research. Jacobson (1965) studied a program of "skill re-education" for institutionalized young males, consisting of 10 weeks of daily discussions aimed at developing problem-solving skills. The discussions were led by an adult who was thought capable of serving as a role model for the boys, and they were encouraged to follow the example that he set. Jacobson found that over all, the program produced no improvement in recidivism rates. There was only one special subgroup which provided an exception to this pessimistic finding: If boys in the experimental program decided afterwards to go on to take three or more regular prison courses, they did better upon release than "control" boys who had done the same. (Of course, it also seems likely that experimental boys who did *not* take these extra courses did *worse* than their controls.)

Zivan (1966) also reported negative results from a much more ambitious vocational training program at the Children's Village in Dobbs Ferry, New York. Boys in his special program were prepared for their return to the community in a wide variety of ways. First of all, they were given, in sequence, three types of vocational guidance: "assessment counseling," "development counseling," and "preplacement counseling." In addition, they participated in an "occupational orientation," consisting of role-playing, presentations via audio-visual aids, field trips, and talks by practitioners in various fields of work. Furthermore, the boys were prepared for work by participating in the Auxiliary Maintenance Corps, which performed various chores in the institution; a boy might be promoted from the Corps to the Work Activity Program, which "hired" him, for a small fee, to perform various artisans' tasks. And finally, after release from Children's Village, a boy in the special program received supportive after-care and job placement aid.

None of this made any difference in recidivism rates. Nevertheless, one must add that it is impossible to tell whether this failure lay in the program itself or in the conditions under which it was administered. For one thing, the education department of the institution

[3] The net result was that those who received *less* prison education—because their sentences were shorter or because they were probably better risks—ended up having better parole chances than those who received more prison education.

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itself was hostile to the program; they believed instead in the efficacy of academic education. This staff therefore tended to place in the pool from which experimental subjects were randomly selected mainly "multi-problem" boys. This by itself would not have invalidated the experiment as a test of vocational training for this particular type of youth, but staff hostility did not end there; it exerted subtle pressures of disapproval throughout the life of the program. Moreover, the program's "after-care" phase also ran into difficulties; boys who were sent back to school before getting a job often received advice that conflicted with the program's counseling, and boys actually looking for jobs met with the frustrating fact that the program's personnel, despite concerted efforts, simply could not get businesses to hire the boys.

We do not know whether these constraints, so often found in penal institutions, were responsible for the program's failure; it might have failed anyway. All one can say is that this research failed to show the effectiveness of special vocational training for young males.

The only clearly positive report in this area comes from a study by Sullivan (1967) of a program that combined academic education with special training in the use of IBM equipment. Recidivism rates after one year were only 48 per cent for experimentals, as compared with 66 per cent for controls. But when one examines the data, it appears that this difference emerged only between the controls and those who had successfully *completed* the training. When one compares the control group with all those who had been *enrolled* in the program, the difference disappears. Moreover, during this study the random assignment procedure between experimental and control groups seems to have broken down, so that towards the end, better risks had a greater chance of being assigned to the special program.

In sum, many of these studies of young males are extremely hard to interpret because of flaws in research design. But it can safely be said that they provide us with no clear evidence that education or skill development programs have been successful.

Training adult inmates

When one turns to adult male inmates, as opposed to young ones, the results are even more discouraging. There have been six studies of this type; three of them report that their programs, which ranged from academic to prison work experience, produced no significant differences in recidivism rates, and one—by Glaser (1964)—is almost

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impossible to interpret because of the risk differentials of the prisoners participating in the various programs.

Two studies—by Schnur (1948) and by Saden (1962)—*do* report a positive difference from skill development programs. In one of them, the Saden study, it is questionable whether the experimental and control groups were truly comparable. But what is more interesting is that both these "positive" studies dealt with inmates incarcerated prior to or during World War II. Perhaps the rise in our educational standards as a whole since then has lessened the differences that prison education or training can make. The only other interesting possibility emerges from a study by Gearhart (1967). His study was one of those that reported vocational education to be non-significant in affecting recidivism rates. He did note, however, that when a trainee succeeded in finding a job related to his area of training, he had a slightly higher chance of becoming a successful parolee. It is possible, then, that skill development programs fail because what they teach bears so little relationship to an offender's subsequent life outside the prison.

One other study of adults, this one with fairly clear implications, has been performed with women rather than men. An experimental group of institutionalized women in Milwaukee was given an extremely comprehensive special education program, accompanied by group counseling. Their training was both academic and practical; it included reading, writing, spelling, business filing, child care, and grooming. Kettering (1965) found that the program made no difference in the women's rates of recidivism.

Two things should be noted about these studies. One is the difficulty of interpreting them as a whole. The disparity in the programs that were tried, in the populations that were affected, and in the institutional settings that surrounded these projects make it hard to be sure that one is observing the same category of treatment in each case. But the second point is that despite this difficulty, one can be reasonably sure that, so far, educational and vocational programs have not worked. We don't know why they have failed. We don't know whether the programs themselves are flawed, or whether they are incapable of overcoming the effects of prison life in general. The difficulty may be that they lack applicability to the world the inmate will face outside of prison. Or perhaps the type of educational and skill improvement they produce simply doesn't have very much to do with an individual's propensity to commit a crime. What we do know is that, to date, education and skill development have not reduced recidivism by rehabilitating criminals.

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The effects of individual counseling

2. *But when we speak of a rehabilitative prison, aren't we referring to more than education and skill development alone? Isn't what's needed some way of counseling inmates, or helping them with the deeper problems that have caused their maladjustment?*

This, too, is a reasonable hypothesis; but when one examines the programs of this type that have been tried, it's hard to find any more grounds for enthusiasm than we found with skill development and education. One method that's been tried—though so far, there have been acceptable reports only of its application to young offenders—has been individual psychotherapy. For young males, we found seven such reported studies. One study, by Guttman (1963) at the Nelles School, found such treatment to be ineffective in reducing recidivism rates; another, by Rudoff (1960), found it unrelated to *institutional* violation rates, which were themselves related to parole success. It must be pointed out that Rudoff used only this indirect measure of association, and the study therefore cannot rule out the possibility of a treatment effect. A third, also by Guttman (1963) but at another institution, found that such treatment was actually related to a slightly *higher* parole violation rate; and a study by Adams (1959b and 1961b) also found a lack of improvement in parole revocation and first suspension rates.

There were two studies at variance with this pattern. One by Persons (1967) said that if a boy was judged to be "successfully" treated—as opposed to simply being subjected to the treatment experience—he did tend to do better. And there was one finding both hopeful and cautionary: At the Deuel School (Adams, 1961a), the experimental boys were first divided into two groups, those rated as "amenable" to treatment and those rated "non-amenable." Amenable boys who got the treatment did better than non-treated boys. On the other hand, "non-amenable" boys who were treated actually did *worse* than they would have done if they had received no treatment at all. It must be pointed out that Guttman (1963), dealing with younger boys in his Nelles School study, did not find such an "amenability" effect, either to the detriment of the non-amenables who were treated *or* to the benefit of the amenables who were treated. But the Deuel School study (Adams, 1961a) suggests both that there is something to be hoped for in treating properly selected amenable subjects and that if these subjects are *not* properly selected, one may not only wind up doing no good but may actually produce harm.

There have been two studies of the effects of individual psycho-

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therapy on young incarcerated *female* offenders, and both of them (Adams 1959a, Adams 1961b) report no significant effects from the therapy. But one of the Adams studies (1959a) does contain a suggestive, although not clearly interpretable, finding: If this individual therapy was administered by a psychiatrist or a psychologist, the resulting parole suspension rate was almost two-and-a-half times *higher* than if it was administered by a social worker without this specialized training.

There has also been a much smaller number of studies of two other types of individual therapy: counseling, which is directed towards a prisoner's gaining new insight into his own problems, and casework, which aims at helping a prisoner cope with his more pragmatic immediate needs. These types of therapy both rely heavily on the empathetic relationship that is to be developed between the professional and the client. It was noted above that the Adams study (1961b) of therapy administered to girls, referred to in the discussion of individual psychotherapy, found that social workers seemed better at the job than psychologists or psychiatrists. This difference seems to suggest a favorable outlook for these alternative forms of individual therapy. But other studies of such therapy have produced ambiguous results. Bernsten (1961) reported a Danish experiment that showed that socio-psychological counseling combined with comprehensive welfare measures—job and residence placement, clothing, union and health insurance membership, and financial aid —produced an improvement among some short-term male offenders, though not those in either the highest-risk or the lowest-risk categories. On the other hand, Hood, in Britain (1966), reported generally non-significant results with a program of counseling for young males. (Interestingly enough, this experiment *did* point to a mechanism capable of changing recidivism rates. When boys were released from institutional care and entered the army directly, "poor risk" boys among both experimentals *and* controls did better than expected. "Good risks" did worse.)

So these foreign data are sparse and not in agreement; the American data are just as sparse. The only American study which provides a direct measure of the effects of individual counseling—a study of California's Intensive Treatment Program (California, 1958a), which was "psychodynamically" oriented—found no improvement in recidivism rates.

It was this finding of the failure of the Intensive Treatment Program which contributed to the decision in California to de-emphasize individual counseling in its penal system in favor of group

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methods. And indeed one might suspect that the preceding reports reveal not the inadequacy of counseling as a whole but only the failure of one *type* of counseling, the individual type. *Group* counseling methods, in which offenders are permitted to aid and compare experiences with one another, might be thought to have a better chance of success. So it is important to ask what results these alternative methods have actually produced.

Group counseling

Group counseling has indeed been tried in correctional institutions, both with and without a specifically psychotherapeutic orientation. There has been one study of "pragmatic," problem-oriented counseling on *young* institutionalized males, by Seckel (1965). This type of counseling had no significant effect. For adult males, there have been three such studies of the "pragmatic" and "insight" methods. Two (Kassebaum, 1971; Harrison, 1964) report no long-lasting significant effects. (One of these two did report a real but short-term effect that wore off as the program became institutionalized and as offenders were at liberty longer.) The third study of adults, by Shelley (1961), dealt with a "pragmatic" casework program, directed towards the educational and vocational needs of institutionalized young adult males in a Michigan prison camp. The treatment lasted for six months and at the end of that time Shelley found an improvement in attitudes; the possession of "good" attitudes was independently found by Shelley to correlate with parole success. Unfortunately, though, Shelley was not able to measure the *direct* impact of the counseling on recidivism rates. His two separate correlations are suggestive, but they fall short of being able to tell us that it really is the counseling that has a direct effect on recidivism.

With regard to more professional group *psychotherapy,* the reports are also conflicting. We have two studies of group psychotherapy on young males. One, by Persons (1966), says that this treatment did in fact reduce recidivism. The improved recidivism rate stems from the improved performance only of those who were clinically judged to have been "successfully" treated; still, the overall result of the treatment was to improve recidivism rates for the experimental group as a whole. On the other hand, a study by Craft (1964) of young males designated "psychopaths," comparing "self-government" group psychotherapy with "authoritarian" individual counseling, found that the "group therapy" boys afterwards committed *twice* as many new offenses as the individually treated ones. Per-

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haps some forms of group psychotherapy work for some types of offenders but not others; a reader must draw his own conclusions, on the basis of sparse evidence.

With regard to young females, the results are just as equivocal. Adams, in his study of females (1959a), found that there was no improvement to be gained from treating girls by group rather than individual methods. A study by Taylor of borstal (reformatory) girls in New Zealand (1967) found a similar lack of any great improvement for group therapy as opposed to individual therapy or even to no therapy at all. But the Taylor study does offer one real, positive finding: When the "group therapy" girls *did* commit new offenses, these offenses were less serious than the ones for which they had originally been incarcerated.

There is a third study that does report an overall positive finding as opposed to a partial one. Truax (1966) found that girls subjected to group psychotherapy and then released were likely to spend less time reincarcerated in the future. But what is most interesting about this improvement is the very special and important circumstance under which it occurred. The therapists chosen for this program did not merely have to have the proper analytic training; they were specially chosen for their "empathy" and "non-possessive warmth." In other words, it may well have been the therapists' special personal gifts rather than the fact of treatment itself which produced the favorable result. This possibility will emerge again when we examine the effects of other types of rehabilitative treatment later in this article.

As with the question of skill development, it is hard to summarize these results. The programs administered were various; the groups to which they were administered varied not only by sex but by age as well; there were also variations in the length of time for which the programs were carried on, the frequency of contact during that time, and the period for which the subjects were followed up. Still, one must say that the burden of the evidence is not encouraging. These programs seem to work best when they are new, when their subjects are amenable to treatment in the first place, and when the counselors are not only trained people but "good" people as well. Such findings, which would not be much of a surprise to a student of organization or personality, are hardly encouraging for a policy planner, who must adopt measures that are generally applicable, that are capable of being successfully institutionalized, and that must rely for personnel on something other than the exceptional individual.

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Transforming the institutional environment

3. *But maybe the reason these counseling programs don't seem to work is not that they are ineffective* per se, *but that the institutional environment* outside *the program is unwholesome enough to undo any good work that the counseling does. Isn't a truly successful rehabilitative institution the one where the inmate's whole environment is directed towards true correction rather than towards custody or punishment?*

This argument has not only been made, it has been embodied in several institutional programs that go by the name of "milieu therapy." They are designed to make every element of the inmate's environment a part of his treatment, to reduce the distinctions between the custodial staff and the treatment staff, to create a supportive, non-authoritarian, and non-regimented atmosphere, and to enlist peer influence in the formation of constructive values. These programs are especially hard to summarize because of their variety; they differ, for example, in how "supportive" or "permissive" they are designed to be, in the extent to which they are combined with other treatment methods such as individual therapy, group counseling, or skill development, and in how completely the program is able to control all the relevant aspects of the institutional environment.

One might well begin with two studies that have been done of institutionalized adults, in regular prisons, who have been subjected to such treatment; this is the category whose results are the most clearly discouraging. One study of such a program, by Robison (1967), found that the therapy did seem to reduce recidivism after one year. After two years, however, this effect disappeared, and the treated convicts did no better than the untreated. Another study by Kassebaum, Ward, and Wilner (1971), dealt with a program which had been able to effect an exceptionally extensive and experimentally rigorous transformation of the institutional environment. This sophisticated study had a follow-up period of 36 months, and it found that the program had no significant effect on parole failure or success rates.

The results of the studies of youth are more equivocal. As for young females, one study by Adams (1966) of such a program found that it had no significant effect on recidivism; another study, by Goldberg and Adams (1964), found that such a program *did* have a positive effect. This effect declined when the program began to deal with girls who were judged beforehand to be worse risks.

As for young males, the studies may conveniently be divided into

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those dealing with juveniles (under 16) and those dealing with youths. There have been five studies of milieu therapy administered to juveniles. Two of them—by Laulicht (1962) and by Jesness (1965)—report clearly that the program in question either had no significant effect or had a short-term effect that wore off with passing time. Jesness does report that when his experimental juveniles did commit new offenses, the offenses were less serious than those committed by controls. A third study of juveniles, by McCord (1953) at the Wiltwyck School, reports mixed results. Using two measures of performance, a "success" rate and a "failure" rate, McCord found that his experimental group achieved both less failure *and* less success than the controls did. There have been two positive reports on milieu therapy programs for male juveniles; both of them have come out of the Highfields program, the milieu therapy experiment which has become the most famous and widely quoted example of "success" via this method. A group of boys was confined for a relatively short time to the unrestrictive, supportive environment of Highfields; and at a follow-up of six months, Freeman (1956) found that the group did indeed show a lower recidivism rate (as measured by parole revocation) than a similar group spending a longer time in the regular reformatory. McCorkle (1958) also reported positive findings from Highfields. But in fact, the McCorkle data show, this improvement was not so clear: The Highfields boys had lower recidivism rates at 12 and 36 months in the follow-up period, but not at 24 and 60 months. The length of follow-up, these data remind us, may have large implications for a study's conclusions. But more important were other flaws in the Highfields experiment: The populations were not fully comparable (they differed according to risk level and time of admission); different organizations—the probation agency for the Highfield boys, the parole agency for the others—were making the revocation decisions for each group; more of the Highfields boys were discharged early from supervision, and thus removed from any risk of revocation. In short, not even from the celebrated Highfields case may we take clear assurance that milieu therapy works.

In the case of male youths, as opposed to male juveniles, the findings are just as equivocal, and hardly more encouraging. One such study by Empey (1966) in a residential context did not produce significant results. A study by Seckel (1967) described California's Fremont Program, in which institutionalized youths participated in a combination of therapy, work projects, field trips, and community meetings. Seckel found that the youths subjected to this treatment committed *more* violations of law than did their non-treated counter-

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parts. This difference could have occurred by chance; still, there was certainly no evidence of relative improvement. Another study, by Levinson (1962-1964), also found a lack of improvement in recidivism rates—but Levinson noted the encouraging fact that the treated group spent somewhat more time in the community before recidivating, and committed less serious offenses. And a study by the State of California (1967) also shows a partially positive finding. This was a study of the Marshall Program, similar to California's Fremont Program but different in several ways. The Marshall Program was shorter and more tightly organized than its Fremont counterpart. In the Marshall Program, as opposed to the Fremont Program, a youth could be ejected from the group and sent back to regular institutions before the completion of the program. Also, the Marshall Program offered some additional benefits: the teaching of "social survival skills" (i.e., getting and holding a job), group counseling of parents, and an occasional opportunity for boys to visit home. When youthful offenders were released to the Marshall Program, either directly or after spending some time in a regular institution, they did no better than a comparable regularly institutionalized population, though both Marshall youth and youth in regular institutions did better than those who were directly released by the court and given no special treatment.

So the youth in these milieu therapy programs at least do no worse than their counterparts in regular institutions and the special programs may cost less. One may therefore be encouraged—not on grounds of rehabilitation but on grounds of cost-effectiveness.

What about medical treatment?

4. *Isn't there anything you can do in an institutional setting that will reduce recidivism, for instance, through strictly medical treatment?*

A number of studies deal with the results of efforts to change the behavior of offenders through drugs and surgery. As for surgery, the one experimental study of a plastic surgery program—by Mandell (1967)—had negative results. For non-addicts who received plastic surgery, Mandell purported to find improvement in performance on parole; but when one reanalyzes his data, it appears that surgery alone did not in fact make a significant difference.

One type of surgery does seem to be highly successful in reducing recidivism. A twenty-year Danish study of sex offenders, by Stuerup (1960), found that while those who had been treated with hormones

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and therapy continued to commit both sex crimes (29.6 per cent of them did so) and non-sex crimes (21.0 per cent), those who had been castrated had rates of only 3.5 per cent (not, interestingly enough, a rate of zero; where there's a will, apparently there's a way) and 9.2 per cent. One hopes that the policy implications of this study will be found to be distinctly limited.

As for drugs, the major report on such a program—involving tranquilization—was made by Adams (1961b). The tranquilizers were administered to male and female institutionalized youths. With boys, there was only a slight improvement in their subsequent behavior; this improvement disappeared within a year. With girls, the tranquilization produced worse results than when the girls were given no treatment at all.

The effects of sentencing

5. *Well, at least it may be possible to manipulate certain gross features of the existing, conventional prison system—such as length of sentence and degree of security—in order to affect these recidivism rates. Isn't this the case?*

At this point, it's still impossible to say that this is the case. As for the degree of security in an institution, Glaser's (1964) work reported that, for both youth and adults, a less restrictive "custody grading" in American federal prisons was related to success on parole; but this is hardly surprising, since those assigned to more restrictive custody are likely to be worse risks in the first place. More to the point, an American study by Fox (1950) discovered that for "older youths" who were deemed to be good risks for the future, a minimum security institution produced better results than a maximum security one. On the other hand, the data we have on youths under 16—from a study by McClintock (1961), done in Great Britain—indicate that so-called Borstals, in which boys are totally confined, are more effective than a less restrictive regime of partial physical custody. In short, we know very little about the recidivism effects of various degrees of security in existing institutions; and our problems in finding out will be compounded by the probability that these effects will vary widely according to the particular *type* of offender that we're dealing with.

The same problems of mixed results and lack of comparable populations have plagued attempts to study the effects of sentence length. A number of studies—by Narloch (1959), by Bernsten (1965), and by the State of California (1956)—suggest that those who are released

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earlier from institutions than their scheduled parole date, or those who serve short sentences of under three months rather than longer sentences of eight months or more, either do better on parole or at least do no worse.[4] The implication here is quite clear and important: Even if early releases and short sentences produce no improvement in recidivism rates, one could at least maintain the same rates while lowering the cost of maintaining the offender and lessening his own burden of imprisonment. Of course, this implication carries with it its concomitant danger: the danger that though shorter sentences cause no worsening of the recidivism rate, they may increase the total amount of crime in the community by increasing the absolute number of potential recidivists at large.

On the other hand, Glaser's (1964) data show not a consistent linear relationship between the shortness of the sentence and the rate of parole success, but a curvilinear one. Of his subjects, those who served less than a year had a 73 per cent success rate, those who served up to two years were only 65 per cent successful, and those who served up to three years fell to a rate of 56 per cent. But among those who served sentences of *more* than three years, the success rate rose again—to 60 per cent. These findings should be viewed with some caution since Glaser did not control for the pre-existing degree of risk associated with each of his categories of offenders. But the data do suggest that the relationship between sentence length and recidivism may not be a simple linear one.

More important, the effect of sentence length seems to vary widely according to type of offender. In a British study (1963), for instance, Hammond found that for a group of "hard-core recidivists," shortening the sentence caused no improvement in the recidivism rate. In Denmark, Bernsten (1965) discovered a similar phenomenon: That the beneficial effect of three-month sentences as against eight-month ones disappeared in the case of these "hard-core recidivists." Garrity found another such distinction in his 1956 study. He divided his offenders into three categories: "pro-social," "anti-social," and "manipulative." "Pro-social" offenders he found to have low recidivism rates regardless of the length of their sentence; "anti-social" offenders did better with short sentences; the "manipulative" did better with long ones. Two studies from Britain made yet another division

[4] A similar phenomenon has been measured indirectly by studies that have dealt with the effect of various parole policies on recidivism rates. Where parole decisions have been liberalized so that an offender could be released with only the "reasonable assurance" of a job rather than with a definite job already developed by a parole officer (Stanton, 1963), this liberal release policy has produced no worsening of recidivism rates.

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of the offender population, and found yet other variations. One (Great Britain, 1964) found that previous offenders—but not first offenders—did better with *longer* sentences, while the other (Cambridge, 1952) found the *reverse* to be true with juveniles.

To add to the problem of interpretation, these studies deal not only with different types and categorizations of offenders but with different types of institutions as well. No more than in the case of institution type can we say that length of sentence has a clear relationship to recidivism.

Decarcerating the convict

6. *All of this seems to suggest that there's not much we know how to do to rehabilitate an offender when he's in an institution. Doesn't this lead to the clear possibility that the way to rehabilitate offenders is to deal with them* outside *an institutional setting?*

This is indeed an important possibility, and it is suggested by other pieces of information as well. For instance, Miner (1967) reported on a milieu therapy program in Massachusetts called Outward Bound. It took youths 15½ and over; it was oriented toward the development of skills in the out-of-doors and conducted in a wilderness atmosphere very different from that of most existing institutions. The culmination of the 26-day program was a final 24 hours in which each youth had to survive alone in the wilderness. And Miner found that the program did indeed work in reducing recidivism rates.

But by and large, when one takes the programs that have been administered in institutions and applies them in a non-institutional setting, the results do not grow to encouraging proportions. With casework and individual counseling in the community, for instance, there have been three studies; they dealt with counseling methods from psycho-social and vocational counseling to "operant conditioning," in which an offender was rewarded first simply for coming to counseling sessions and then, gradually, for performing other types of approved acts. Two of them report that the community-counseled offenders did no better than their institutional controls, while the third notes that although community counseling produced fewer arrests per person, it did not ultimately reduce the offender's chance of returning to a reformatory.

The one study of a non-institutional skill development program, by Kovacs (1967), described the New Start Program in Denver, in which offenders participated in vocational training, role playing, programmed instruction, group counseling, college class attendance,

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and trips to art galleries and museums. After all this, Kovacs found no significant improvement over incarceration.

There have also been studies of milieu therapy programs conducted with youthful male probationers not in actual physical custody. One of them found no significant improvement at all. One, by Empey (1966), did say that after a follow-up of six months, a boy who was judged to have "successfully" completed the milieu program was less likely to recidivate afterwards than was a "successful" regular probationer. Empey's "successes" came out of an extraordinary program in Provo, Utah, which aimed to rehabilitate by subjecting offenders to a non-supportive milieu. The staff of this program operated on the principle that they were *not* to go out of their way to interact and be empathetic with the boys. Indeed, a boy who misbehaved was to be met with "role dispossession": He was to be excluded from meetings of his peer group, and he was not to be given answers to his questions as to why he had been excluded or what his ultimate fate might be. This peer group and its meetings were designed to be the major force for reform at Provo; they were intended to develop, and indeed did develop, strong and controlling norms for the behavior of individual members. For one thing, group members were not to associate with delinquent boys outside the program; for another, individuals were to submit to a group review of all their actions and problems; and they were to be completely honest and open with the group about their attitudes, their states of mind, their personal failings. The group was granted quite a few sanctions with which to enforce these norms: They could practice derision or temporary ostracism, or they could lock up an aberrant member for a weekend, refuse to release him from the program, or send him away to the regular reformatory.

One might be tempted to forgive these methods because of the success that Empey reports, except for one thing. If one judges the program not only by its "successful" boys but by all the boys who were subjected to it—those who succeeded and those who, not surprisingly, failed—the totals show *no* significant improvement in recidivism rates compared with boys on regular probation. Empey did find that both the Provo boys and those on regular probation did better than those in regular reformatories—in contradiction, it may be recalled, to the finding from the residential Marshall Program, in which the direct releases given no special treatment did *worse* than boys in regular institutions.

The third such study of non-residential milieu therapy, by McCravey (1967), found not only that there was no significant improve-

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ment, but that the longer a boy participated in the treatment, the *worse* he was likely to do afterwards.

Psychotherapy in community settings

There is some indication that individual psychotherapy may "work" in a community setting. Massimo (1963) reported on one such program, using what might be termed a "pragmatic" psychotherapeutic approach, including "insight" therapy and a focus on vocational problems. The program was marked by its small size and by its use of therapists who were personally enthusiastic about the project; Massimo found that there was indeed a decline in recidivism rates. Adamson (1956), on the other hand, found no significant difference produced by another program of individual therapy (though he did note that arrest rates among the experimental boys declined with what he called "intensity of treatment"). And Schwitzgebel (1963, 1964), studying other, different kinds of therapy programs, found that the programs *did* produce improvements in the attitudes of his boys—but, unfortunately, not in their rates of recidivism.

And with *group* therapy administered in the community, we find yet another set of equivocal results. The results from studies of pragmatic group counseling are only mildly optimistic. Adams (1965) did report that a form of group therapy, "guided group interaction," when administered to juvenile gangs, did somewhat reduce the percentage that were to be found in custody six years later. On the other hand, in a study of juveniles, Adams (1964) found that while such a program did reduce the number of contacts that an experimental youth had with police, it made no ultimate difference in the detention rate. And the attitudes of the counseled youth showed no improvement. Finally, when O'Brien (1961) examined a community-based program of group psychotherapy, he found not only that the program produced no improvement in the recidivism rate, but that the experimental boys actually did worse than their controls on a series of psychological tests.

Probation or parole versus prison

But by far the most extensive and important work that has been done on the effect of community-based treatments has been done in the areas of probation and parole. This work sets out to answer the question of whether it makes any difference how you supervise and treat an offender once he has been released from prison or has come

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under state surveillance in lieu of prison. This is the work that has provided the main basis to date for the claim that we do indeed have the means at our disposal for rehabilitating the offender or at least decarcerating him safely.

One group of these studies has compared the use of probation with other dispositions for offenders; these provide some slight evidence that, at least under some circumstances, probation may make an offender's future chances better than if he had been sent to prison. Or, at least, probation may not worsen those chances.[5] A British study, by Wilkins (1958), reported that when probation was granted more frequently, recidivism rates among probationers did not increase significantly. And another such study by the state of Michigan in 1963 reported that an expansion in the use of probation actually improved recidivism rates—though there are serious problems of comparability in the groups and systems that were studied.

One experiment—by Babst (1965)—compared a group of parolees, drawn from adult male felony offenders in Wisconsin, and excluding murderers and sex criminals, with a similar group that had been put on probation; it found that the probationers committed fewer violations if they had been first offenders, and did no worse if they were recidivists. The problem in interpreting this experiment, though, is that the behavior of those groups was being measured by separate organizations, by probation officers for the probationers, and by parole officers for the parolees; it is not clear that the definition of "violation" was the same in each case, or that other types of uniform standards were being applied. Also, it is not clear what the results would have been if subjects had been released directly to the parole organization without having experienced prison first. Another such study, done in Israel by Shoham (1964), must be interpreted cautiously because his experimental and control groups had slightly different characteristics. But Shoham found that when one compared a suspended sentence plus probation for first offenders with a one-year prison sentence, only first offenders under 20 years of age did better on probation; those from 21 to 45 actually did *worse*. And Shoham's findings also differ from Babst's in another way. Babst had found that parole rather than prison brought no improvement for recidivists, but Shoham reported that for recidivists with four or more prior offenses, a suspended sentence was actually *better*—though the improvement was much less when the recidivist had committed a crime of violence.

[5] It will be recalled that Empey's report on the Provo program made such a finding.

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But both the Babst and the Shoham studies, even while they suggest the possible value of suspended sentences, probation, or parole for some offenders (though they contradict each other in telling us *which* offenders), also indicate a pessimistic general conclusion concerning the limits of the effectiveness of treatment programs. For they found that the personal characteristics of offenders—first-offender status, or age, or type of offense—were more important than the form of treatment in determining future recidivism. An offender with a "favorable" prognosis will do better than one without, it seems, no matter how you distribute "good" or "bad," "enlightened" or "regressive" treatments among them.

Quite a large group of studies deals not with probation as compared to other dispositions, but instead with the type of treatment that an offender receives once he is *on* probation or parole. These are the studies that have provided the most encouraging reports on rehabilitative treatment and that have also raised the most serious questions about the nature of the research that has been going on in the corrections field.

Five of these studies have dealt with youthful probationers from 13 to 18 who were assigned to probation officers with small caseloads or provided with other ways of receiving more intensive supervision (Adams, 1966—two reports; Feistman, 1966; Kawaguchi, 1967; Pilnick, 1967). These studies report that, by and large, intensive supervision does work—that the specially treated youngsters do better according to some measure of recidivism. Yet these studies left some important questions unanswered. For instance, was this improved performance a function merely of the number of contacts a youngster had with his probation officer? Did it also depend on the length of time in treatment? Or was it the quality of supervision that was making the difference, rather than the quantity?

Intensive supervision: the Warren studies

The widely-reported Warren studies (1966a, 1966b, 1967) in California constitute an extremely ambitious attempt to answer these questions. In this project, a control group of youths, drawn from a pool of candidates ready for first admission to a California Youth Authority institution, was assigned to regular detention, usually for eight to nine months, and then released to regular supervision. The experimental group received considerably more elaborate treatment. They were released directly to probation status and assigned to 12-man caseloads. To decide what special treatment was appropriate

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within these caseloads, the youths were divided according to their "interpersonal maturity level classification," by use of a scale developed by Grant and Grant. And each level dictated its own special type of therapy. For instance, a youth might be judged to occupy the lowest maturity level; this would be a youth, according to the scale, primarily concerned with "demands that the world take care of him. . . . He behaves impulsively, unaware of anything except the grossest effects of his behavior on others." A youth like this would be placed in a supportive environment such as a foster home; the goals of his therapy would be to meet his dependency needs and help him gain more accurate perceptions about his relationship to others. At the other end of the three-tier classification, a youth might exhibit high maturity. This would be a youth who had internalized "a set of standards by which he judges his and others' behavior. . . . He shows some ability to understand reasons for behavior, some ability to relate to people emotionally and on a long-term basis." These high-maturity youths could come in several varieties—a "neurotic acting out," for instance, a "neurotic anxious," a "situational emotional reactor," or a "cultural identifier." But the appropriate treatment for these youths was individual psychotherapy, or family or group therapy for the purpose of reducing internal conflicts and increasing the youths' awareness of personal and family dynamics.

"Success" in this experiment was defined as favorable discharge by the Youth Authority; "failure" was unfavorable discharge, revocation, or recommitment by a court. Warren reported an encouraging finding: Among all but one of the "subtypes," the experimentals had a significantly lower failure rate than the controls. The experiment did have certain problems: The experimentals might have been performing better because of the enthusiasm of the staff and the attention lavished on them; none of the controls had been *directly* released to their regular supervision programs instead of being detained first; and it was impossible to separate the effects of the experimentals' small caseloads from their specially designed treatments, since no experimental youths had been assigned to a small caseload with "inappropriate" treatment, or with no treatment at all. Still, none of these problems were serious enough to vitiate the encouraging prospect that this finding presented for successful treatment of probationers.

This encouraging finding was, however, accompanied by a rather more disturbing clue. As has been mentioned before, the experimental subjects, when measured, had a lower *failure* rate than the controls. But the experimentals also had a lower *success* rate. That is,

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fewer of the experimentals as compared with the controls had been judged to have successfully completed their program of supervision and to be suitable for favorable release. When my colleagues and I undertook a rather laborious reanalysis of the Warren data, it became clear why this discrepancy had appeared. It turned out that fewer experimentals were "successful" because the experimentals were actually committing more offenses than their controls. The reason that the experimentals' relatively large number of offenses was not being reflected in their failure rates was simply that the experimentals' probation officers were using a more lenient revocation policy. In other words, the controls had a higher failure rate because the controls were being revoked for less serious offenses.

So it seems that what Warren was reporting in her "failure" rates was not merely the treatment effect of her small caseloads and special programs. Instead, what Warren was finding was not so much a change in the behavior of the experimental youths as a change in the behavior of the experimental *probation officers,* who knew the "special" status of their charges and who had evidently decided to revoke probation status at a lower than normal rate. The experimentals continued to commit offenses; what was different was that when they committed these offenses, they were permitted to remain on probation.

The experimenters claimed that this low revocation policy, and the greater number of offenses committed by the special treatment youth, were *not* an indication that these youth were behaving specially badly and that policy makers were simply letting them get away with it. Instead, it was claimed, the higher reported offense rate was primarily an artifact of the more intense surveillance that the experimental youth received. But the data show that this is not a sufficient explanation of the low failure rate among experimental youth; the difference in "tolerance" of offenses between experimental officials and control officials was much greater than the difference in the rates at which these two systems detected youths committing new offenses. Needless to say, this reinterpretation of the data presents a much bleaker picture of the possibilities of intensive supervision with special treatment.

"Treatment effects" vs. "policy effects"

This same problem of experimenter bias may also be present in the predecessors of the Warren study, the ones which had also found positive results from intensive supervision on probation; indeed, this

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disturbing question can be raised about many of the previously discussed reports of positive "treatment effects."

This possibility of a "policy effect" rather than a "treatment effect" applies, for instance, to the previously discussed studies of the effects of intensive supervision on juvenile and youthful probationers. These were the studies, it will be recalled, which found lower recidivism rates for the intensively supervised.[6]

One opportunity to make a further check on the effects of this problem is provided, in a slightly different context, by Johnson (1962a). Johnson was measuring the effects of intensive supervision on youthful *parolees* (as distinct from probationers). There have been several such studies of the effects on youths of intensive parole supervision plus special counseling, and their findings are on the whole less encouraging than the probation studies; they are difficult to interpret because of experimental problems, but studies by Boston University in 1966, and by Van Couvering in 1966, report no significant effects and possibly some bad effects from such special programs. But Johnson's studies were unique for the chance they provide to measure both treatment effects and the effect of agency policy.

Johnson, like Warren, assigned experimental subjects to small caseloads and his experiment had the virtue of being performed with two separate populations and at two different times. But in contrast with the Warren case, the Johnson experiment did not engage in a large continuing attempt to choose the experimental counselors specially, to train them specially, and to keep them informed about the progress and importance of the experiment. The first time the experiment was performed, the experimental youths had a slightly lower revocation rate than the controls at six months. But the second time, the experimentals did *not* do better than their controls; indeed, they did slightly worse. And with the experimentals from the first group—those who *had* shown an improvement after six months—this effect wore off at 18 months. In the Johnson study, my colleagues and I found, "intensive" supervision did *not* increase the experimental youths' risk of detection. Instead, what was happening in the Johnson experiment was that the first time it had been performed—just as in the Warren study—the experimentals were simply revoked less often per number of offenses committed, and they were revoked for offenses more serious than those which prompted revocation among the controls. The second time around, this "policy" discrepancy disappeared; and

[6] But one of these reports, by Kawaguchi (1967), also found that an intensively supervised juvenile, by the time he finally "failed," had had more previous *detentions* while under supervision than a control juvenile had experienced.

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when it did, the "improved" performance of the experimentals disappeared as well. The enthusiasm guiding the project had simply worn off in the absence of reinforcement.

One must conclude that the "benefits" of intensive supervision for youthful offenders may stem not so much from a "treatment" effect as from a "policy" effect—that such supervision, so far as we now know, results not in rehabilitation but in a decision to look the other way when an offense is committed. But there is one major modification to be added to this conclusion. Johnson performed a further measurement (1962b) in his parole experiment: He rated all the supervising agents according to the "adequacy" of the supervision they gave. And he found that an "adequate" agent, whether he was working in a small *or* a large caseload, produced a relative improvement in his charges. The converse was not true: An *in*adequate agent was more likely to produce youthful "failures" when he was given a *small* caseload to supervise. One can't much help a "good" agent, it seems, by reducing his caseload size; such reduction can only do further harm to those youths who fall into the hands of "bad" agents.

So with youthful offenders, Johnson found, intensive supervision does not seem to provide the rehabilitative benefits claimed for it; the only such benefits may flow not from intensive supervision itself but from contact with one of the "good people" who are frequently in such short supply.

Intensive supervision of adults

The results are similarly ambiguous when one applies this intensive supervision to adult offenders. There have been several studies of the effects of intensive supervision on adult parolees. Some of these are hard to interpret because of problems of comparability between experimental and control groups (general risk ratings, for instance, or distribution of narcotics offenders, or policy changes that took place between various phases of the experiments), but two of them (California, 1966; Stanton, 1964) do not seem to give evidence of the benefits of intensive supervision. By far the most extensive work, though, on the effects of intensive supervision of adult parolees has been a series of studies of California's Special Intensive Parole Unit (SIPU), a 10-year-long experiment designed to test the treatment possibilities of various special parole programs. Three of the four "phases" of this experiment produced "negative results." The first phase tested the effect of a reduced caseload size; no lasting effect was found. The second phase slightly increased the size of

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the small caseloads and provided for a longer time in treatment; again there was no evidence of a treatment effect. In the fourth phase, caseload sizes and time in treatment were again varied, and treatments were simultaneously varied in a sophisticated way according to personality characteristics of the parolees; once again, significant results did not appear.

The only phase of this experiment for which positive results were reported was Phase Three. Here, it was indeed found that a smaller caseload improved one's chances of parole success. There is, however, an important caveat that attaches to this finding: When my colleagues and I divided the whole population of subjects into two groups—those receiving supervision in the North of the state and those in the South—we found that the "improvement" of the experimentals' success rates was taking place primarily in the North. The North differed from the South in one important aspect: Its agents practiced a policy of returning both "experimental" and "control" violators to prison at relatively high rates. And it was the North that produced the higher success rate among its experimentals. So this improvement in experimentals' performance was taking place only when accompanied by a "realistic threat" of severe sanctions. It is interesting to compare this situation with that of the Warren studies. In the Warren studies, experimental subjects were being revoked at a relatively *low* rate. These experimentals "failed" less, but they also committed more new offenses than their controls. By contrast, in the Northern region of the SIPU experiment, there was a policy of *high* rate of return to prison for experimentals; and here, the special program *did* seem to produce a real improvement in the behavior of offenders. What this suggests is that when intensive supervision *does* produce an improvement in offenders' behavior, it does so not through the mechanism of "treatment" or "rehabilitation," but instead through a mechanism that our studies have almost totally ignored—the mechanism of *deterrence.* And a similar mechanism is suggested by Lohman's study (1967) of intensive supervision of probationers. In this study intensive supervision led to higher total violation rates. But one also notes that intensive supervision combined the highest rate of technical violations with the lowest rate for *new* offenses.

The effects of community treatment

In sum, even in the case of treatment programs administered outside penal institutions, we simply cannot say that this treatment in itself has an appreciable effect on offender behavior. On the other

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hand, there is one encouraging set of findings that emerges from these studies. For from many of them there flows the strong suggestion that even if we can't "treat" offenders so as to make them do better, a great many of the programs designed to rehabilitate them at least did not make them do *worse*. And if these programs did not show the advantages of actually rehabilitating, some of them did have the advantage of being less onerous to the offender himself without seeming to pose increased danger to the community. And some of these programs—especially those involving less restrictive custody, minimal supervision, and early release—simply cost fewer dollars to administer. The information on the dollar costs of these programs is just beginning to be developed but the implication is clear: *that if we can't do more for (and to) offenders, at least we can safely do less.*

There is, however, one important caveat even to this note of optimism: In order to calculate the true costs of these programs, one must in each case include not only their administrative cost but also the cost of maintaining in the community an offender population increased in size. This population might well not be committing new offenses at any greater rate; but the offender population might, under some of these plans, be larger in absolute *numbers*. So the total number of offenses committed might rise, and our chances of victimization might therefore rise too. We need to be able to make a judgment about the size and probable duration of this effect; as of now, we simply do not know.

Does nothing work?

7. *Do all of these studies lead us irrevocably to the conclusion that nothing works, that we haven't the faintest clue about how to rehabilitate offenders and reduce recidivism? And if so, what shall we do?*

We tried to exclude from our survey those studies which were so poorly done that they simply could not be interpreted. But despite our efforts, a pattern has run through much of this discussion—of studies which "found" effects without making any truly rigorous attempt to exclude competing hypotheses, of extraneous factors permitted to intrude upon the measurements, of recidivism measures which are not all measuring the same thing, of "follow-up" periods which vary enormously and rarely extend beyond the period of legal supervision, of experiments never replicated, of "system effects" not taken into account, of categories drawn up without any theory to

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guide the enterprise. It is just possible that some of our treatment programs *are* working to some extent, but that our research is so bad that it is incapable of telling.

Having entered this very serious caveat, I am bound to say that these data, involving over two hundred studies and hundreds of thousands of individuals as they do, are the best available and give us very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation. This is not to say that we found no instances of success or partial success; it is only to say that these instances have been isolated, producing no clear pattern to indicate the efficacy of any particular method of treatment. And neither is this to say that factors *outside* the realm of rehabilitation may not be working to reduce recidivism—factors such as the tendency for recidivism to be lower in offenders over the age of 30; it is only to say that such factors seem to have little connection with any of the treatment methods now at our disposal.

From this probability, one may draw any of several conclusions. It may be simply that our programs aren't yet good enough—that the education we provide to inmates is still poor education, that the therapy we administer is not administered skillfully enough, that our intensive supervision and counseling do not yet provide enough personal support for the offenders who are subjected to them. If one wishes to believe this, then what our correctional system needs is simply a more full-hearted commitment to the strategy of treatment.

It may be, on the other hand, that there is a more radical flaw in our present strategies—that education at its best, or that psychotherapy at its best, cannot overcome, or even appreciably reduce, the powerful tendency for offenders to continue in criminal behavior. Our present treatment programs are based on a theory of crime as a "disease"—that is to say, as something foreign and abnormal in the individual which can presumably be cured. This theory may well be flawed, in that it overlooks—indeed, denies—both the normality of crime in society and the personal normality of a very large proportion of offenders, criminals who are merely responding to the facts and conditions of our society.

This opposing theory of "crime as a social phenomenon" directs our attention away from a "rehabilitative" strategy, away from the notion that we may best insure public safety through a series of "treatments" to be imposed forcibly on convicted offenders. These treatments have on occasion become, and have the potential for becoming, so draconian as to offend the moral order of a democratic society; and the theory of crime as a social phenomenon suggests that such treatments

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may be not only offensive but ineffective as well. This theory points, instead, to decarceration for low-risk offenders—and, presumably, to keeping high-risk offenders in prisons which are nothing more (and aim to be nothing more) than custodial institutions.

But this approach has its own problems. To begin with, there is the moral dimension of crime and punishment. Many low-risk offenders have committed serious crimes (murder, sometimes) and even if one is reasonably sure they will never commit another crime, it violates our sense of justice that they should experience no significant retribution for their actions. A middle-class banker who kills his adulterous wife in a moment of passion is a "low-risk" criminal; a juvenile delinquent in the ghetto who commits armed robbery has, statistically, a much higher probabilty of committing another crime. Are we going to put the first on probation and sentence the latter to a long-term in prison?

Besides, one cannot ignore the fact that the punishment of offenders is the major means we have for *deterring* incipient offenders. We know almost nothing about the "deterrent effect," largely because "treatment" theories have so dominated our research, and "deterrence" theories have been relegated to the status of a historical curiosity. Since we have almost no idea of the deterrent functions that our present system performs or that future strategies might be made to perform, it is possible that there is indeed something that works—that to some extent is working right now in front of our noses, and that might be made to work better—something that deters rather than cures, something that does not so much reform convicted offenders as prevent criminal behavior in the first place. But whether that is the case and, if it is, what strategies will be found to make our deterrence system work better than it does now, are questions we will not be able to answer with data until a new family of studies has been brought into existence. As we begin to learn the facts, we will be in a better position than we are now to judge to what degree the prison has become an anachronism and can be replaced by more effective means of social control.

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"People work" – the youth culture and the labor market

BRIGITTE BERGER

In early 1971 an article by Peter Berger and myself, entitled "The Blueing of America," was published in *The New Republic*. It was written under the stimulus (a very negative stimulus) of Charles Reich's *The Greening of America*, which in turn represented a certain climax of the mood among many intellectuals in the late 1960's. This mood was characterized by a violent repudiation of the political, social, and cultural realities of America, and by a celebration of the youth culture and the counterculture, along with a shifting array of radical movements that were to be the salvation of the country. Reich's book also helped to depoliticize this mood, turning it away from politically-oriented radicalism to what was alleged to be a "cultural revolution."

Our article made a number of rather simple sociological points: No modern industrial society could function on the basis of the values celebrated by Reich. If America really "greened," this would mean the collapse of our society as we now know it. But there was no danger of this. The "greening" phenomenon and the repudiation of the achievement ethic were in fact largely restricted to a very specific group—college-educated, upper-middle-class youth, plus a few older hangers-on (people who heroically refused to acknowledge that they had become middle-aged).

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We then suggested a speculative thesis: *If* this group really "greened," and in consequence dropped out of the "uptight" careers in industry, business, and government that kept the society going, *then* there would be new room for people from other social strata, namely the lower-middle and blue-collar classes, to move into these careers. In other words, the more "greening" in the upper-middle class, the more "blueing" of the society as a whole. It is important to note that we did not say that this was going to happen. We said only that it *would* happen *if* Reich was correct in his assessment. We also suggested that there was an intermediate possibility that we called a "half-way covenant"—people might "green" in their private lives, but continue to operate in pretty much the old way in the "rat race" of the occupational system.

The demand for "meaningful" work

In actual fact, what has been going on in the last two years can be described as *neither* "greening" *nor* "blueing." The "cultural revolution" of the late 1960's has probably had lasting effects on various areas of social life (such as sexuality, drug use, possibly religion), but it has certainly *not* led large numbers of people to drop out of upper-middle-class occupations or to cease aspiring to them. Consequently, it has *not* brought any large-scale opening for upward mobility by people in the lower reaches of the class system (with the exception of blacks, but for reasons that have little to do with the "cultural revolution"). On the other hand, there has been a milder effect of the value changes related to "greening": a growing expectation among young people that work should be "meaningful." Very probably, this expectation was not caused by the "cultural revolution" of the 1960's, but rather given new legitimation by it. (I believe that this development is rooted in deep, long-range trends in modern society, and is particularly related to fundamental changes in the mode of child-rearing, but I cannot go into this here.) Be this as it may, very few young people seem to be dropping out of "the system," but (in something like the "half-way covenant" we suggested) they are making increasing demands on the occupational careers that "the system" is offering them: Not only do they continue to expect upper-middle-class income and status from their jobs, but on top of that they want "personal meaning," opportunity for "creativity" and "self-expression," and the like.

If this is so, a very simple question must be asked: *Where are such jobs to be found?* The answers are not comforting. For the afore-

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mentioned value changes stand in a paradoxical relation to another important fact: *an increasingly constrictive market for white-collar labor.*

More people than ever before are now finishing high school, entering college, and finishing college.[1] These educational trends are, of course, of long standing, but they have accelerated in recent years due to a number of factors: Greater general affluence; the diffusion of middle-class cultural norms (including occupational aspirations) through the mass media; and above all, a democratization in admission to higher education, to the point where at least a stab at college has practically become a right of citizenship, and "open admission" in one form or another is becoming a nationwide policy. Further acceleration of these trends has come through the pressure of blacks and other racial minorities on the institutions of higher education. And even greater acceleration will ensue if the current feminist movement succeeds in convincing large numbers of women that to be a homemaker is a "cop-out" and that they too must enter the labor force in order to be "liberated."[2] The "affirmative action" programs now required by the federal government serve both to legitimate and to institutionalize these latest accelerations.

Aspirations, education, and mobility

The cumulative result of all this is that *an unprecedented number of people are today aspiring to upper-echelon white-collar jobs*—and very specialized jobs at that (to wit, jobs with "meaning"). This

[1] *National Educational Attainment,* March 1972 (P 20, No. 243) reports that the following changes have occurred in the educational levels of the *population over age 25:*

	1940	1972
Only Elementary School	60.4%	24.8%
Only High School	24.9%	40.3%
Some or More College	14.7%	34.9%

This indicates that the proportion of Americans aged 25 and over who have had four or more years of college has almost tripled since 1940, going from 4.6 to 12 per cent.

Still sharper are the gains in schooling among young adults: The median educational level among those aged 20 and 21 is 12.8 years—almost a year of college. Among persons aged 65 to 74, the median is 9.1 years—just over a year of high school.

[2] When the various factions of the feminist movement urge women to participate in the employment structure, they refer not to those low-status occupations currently occupied by most women in the labor force, but to upper-middle class positions that have a relatively high income and status and that will permit women to find the "personal meaning" and opportunity for "creativity" and "self-expression" we have talked about above.

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constitutes a remarkable shift in occupational motives and intentions. Now, such shifts have taken place before, but not in contradiction to the changing needs of the economy. Past shifts in occupational aspirations from one generation to another followed transformations in the order of production. There was, first, the great movement from agricultural to industrial work (accompanied by massive migration from rural to urban areas). The second great shift was from blue-collar to white-collar work (a concomitant of what economists call the growth of the tertiary sectors). Third, there was a change within the world of white-collar work from clerical to more sophisticated (and more bureaucratized) jobs. Some have called this latest shift within the tertiary sector the rise of the "quaternary" sector. In each of these cases young people aspired to jobs quite different from those held by their fathers; and, in each of these cases, there was in fact a great expansion in the market for these newly sought-after jobs.

Through these earlier shifts, certain values remained fairly constant. Broadly speaking, these were the values of the Protestant Ethic, which made achievement a prime organizing principle for the life of the individual. Achievement was believed possible only by way of self-discipline, hard work, accountability to oneself (and one's God), and a capacity to delay gratification. Upward mobility was viewed as both desirable and attainable, as classically expressed in the "Horatio Alger myth." Whatever other meanings life held (in the family, in community or church, and in other private concerns of the individual), work was a (if not *the*) central meaning. All these values were quite *plausible* in the context of realistic opportunities. To be sure, there was always an illusory quality about the mobility expectations of most people and, in terms of actual mobility, America was never quite the "open society" it was popularly proclaimed to be. Nonetheless, the values of the Protestant Ethic were indeed conducive to moving, say, from a blue-collar to a white-collar world. Or, as sociologists like to say, these values were *functional.*

Since the second of the aforementioned shifts (from manual to non-manual occupations), the change in occupational aspirations was related to an educational ethos, which in turn found institutional embodiment in the vast expansion of the educational system. The educational ethos was linked to the Protestant Ethic in a basic prescription: *Study in order to achieve.* This prescription, and the values it implied, were highly persuasive in terms of the socio-economic realities. Although many people were inevitably disappointed in the results of their own educational efforts, getting more education was indeed positively correlated with getting ahead. For the

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individual, getting an education was functional in terms of the striving for upward mobility. For the society at large, it was functional that large numbers of people should be educated for the new jobs that had to be filled. Moreover, as industrial society became ever more sophisticated and mechanized, and as fewer industrial manual workers were needed, it was also functional to keep the young out of the labor market. Prolonged school attendance was a convenient solution.

The constriction of the labor market

A quite different situation exists today, and its implications are only now becoming apparent: The new value changes are *not* consonant with the socio-economic realities. Rather, they have a strange autonomy vis-à-vis these realities, as if they were occurring in a sort of sociological vacuum. From the point of view of the social "system," these new values are *dysfunctional*. From the point of view of the individual, they are *implausible*—that is, they seem to be in a state of tension or contradiction with the realities of society as the individual experiences them. The consequences of this tension or contradiction are all around us today: The individual feels "alienated," "repressed," a victim of what he increasingly perceives as a "rotten" society.

These perceptions make a lot of sense if one compares them with the objective facts of the job market. There is still, of course, a market for all categories of jobs in an economy that continues to grow. That is not enough, though. For there is no *expanding* area in the occupational structure to take care of the large number of people with the new aspirations for high-income, high-status, *and* high-"meaning" jobs.

The very productivity of the technologized economy reduces the number of such jobs. Thus, there has been very limited expansion (and recently none at all) in the job market for natural scientists and engineers.[3] This is even true of lower-level technical or para-scientific jobs. A few years ago, for example, there was a very good market for laboratory technicians; it now appears as if this market has been fully saturated. Law and medicine have also become quite

[3] Compare the tremendous expansion of jobs for scientists and engineers between 1961 and 1967 with the slow contraction between 1967 and 1969 and the drastic contraction since then. The average annual expansion in the employment rate from 1961 to 1965 was 51,940; from 1965 to 1967, 91,600; from 1967 to 1969, 87,200; and from 1969 to 1970, 25,400. (These figures are derived from U.S. Dept. of Commerce, Bureau of the Census, *Statistical Abstracts 1972*.)

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closed. In the middle and late 1960's there was a great expansion of jobs in education and education-related fields, spurred on by generous infusions of tax funds into all levels of the educational system. But today much of this funding has dried up or been reduced to a trickle (in any case, there has been no significant expansion). Public education on all levels is faced with stringent economies, and much of private education is close to bankruptcy. The educational job market has correspondingly become a great deal more constricted. There are still exceptions to this (for instance, jobs in various types of "special education"), but it is doubtful that these job categories will remain relatively open for long. Business-related jobs have also been narrowing, especially in the last two years. Even apart from the question of "meaningful" work, then, the prospect for *any* kind of work in the higher echelons of white-collar occupations has become rather grim.

What is left? One significant exception to the constrictive trend has been government service—federal, state and local.[4] The proliferation of jobs in municipal government has been particularly spectacular, to the point where, in New York City, for example, a surrealistic proportion of the labor force is directly employed by the city administration and various public authorities. This exception to the constrictive trend is important, and possibly disturbing. It raises the possibility that, at least for certain types of jobs, government may become the employer of first rather than last resort. But whether one likes this possibility or not, it may be the only way out of a potentially dangerous situation.

Where can the needed jobs be found?

The "cultural revolution" of the late 1960's failed to "green" America, but it has left behind a widespread demand for socially supplied "meaning," including "meaningful work." The original social locale of all this was in the upper-middle class, and it is almost certainly still concentrated there most heavily. It seems likely, however, that some of the new values and expectations are now spilling over into groups below the upper-middle class. Probably the main reason for this "spread effect" is the large-scale entry of lower-middle-class and working-class youth into higher education. In the institu-

[4] The number of civilian government employees jumped from 8.4 million in 1960 to 12.2 in 1969, and rose further to 12.9 million in 1971. In 1960 federal employees constituted 27.2 per cent of all government workers. By 1971 their share had declined to 20.7 per cent.

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tions of higher education many of the values and expectations of the "cultural revolution" continue to be strongly represented, especially by younger faculty. This in itself tends to undermine the old faith in education as a road to achievement—and this tendency is reinforced by the increasing evidence that a college degree is no longer the sure passport to social mobility that it used to be. The overall effect is likely to be an increasing number of people with high expectations of doing "meaningful work" and a scarcity of jobs in which such desires can plausibly be realized.

The problem, then, is a contradiction between occupational aspirations and the existing job market. The question is how this problem can be resolved.

Theoretically, a variety of solutions can be imagined (keeping constant the hypothesis of a viably functioning economy). First of all, the job market may change. Presently invisible areas of great expansion may be able to absorb the people under discussion. This is possible, to be sure, but it does not seem probable; I, for one, have tried very hard to imagine what such areas of expansion might be, and I have not been able to come up with anything convincing. The expansion can certainly not come out of the existing industrial-technological system—here, on the contrary, natural scientists and engineers press for more automation in order to exclude the factor of human error.

Another possibility is that occupational aspirations may change. Thus, if white-collar jobs with the requisite income/status/"meaning" ingredients remain scarce, more people might aspire to blue-collar work and this shift might be legitimated by some new ideology. To some extent this has already happened, as college dropouts and denizens of communes have turned to various types of manual work. Still, it is hard to imagine this taking place on a mass scale.

The problem could also be eased by lowering the retirement age —an unlikely prospect, however, if we look at the changing demographic profile of our society, with power probably shifting to the aging majority. Another possibility would be further to prolong the period of schooling, but it is hard to imagine this being done in view of the discontents already existing and the possible political ramifications of such a measure.

Finally, the government may step in and regulate the job market as well as the educational institutions that supply it. This is what happens in the socialist societies of Eastern Europe: Central planning projects a need for *X* number of engineers in the coming five years, and the government limits admission to engineering schools

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to *X* plus the number of expected failures. In the absence of public opposition, this system works fairly well; anyone who protests is promptly dealt with by the authorities. The only hitch is that the organs of central planning are almost always wrong in their projections; but that is a different problem. For better or for worse, this too is an unlikely scenario for the United States.

The scenario I find most persuasive can be put in a simple proposition: *If the aspired-to jobs do not exist, they will have to be invented.* Invented by whom? *Invented by the government.*

The logic behind this scenario is also quite simple: If the foregoing description of the situation has been correct, the dynamics of demand and supply in the job market is unlikely to solve the problem. In other words, the jobs required are unlikely to be generated through market mechanisms. As this becomes clearer, there will be mounting political pressures on the government. There is only one way the government can respond: By interfering with the market—that is, by *creating* jobs. This response is fully in accord with what has already been taking place—a vast expansion in government and government-related employment over the past 10 years. The government (on all three levels of the American political system) is *already* employing vast numbers of people. What it will have to do is add *new types* of employment, jobs with the desired income/status/"meaning" ingredients. If I may put it crudely: The City of New York will have to hire many more sociology Ph.D.'s! And what kind of work will these people do? That question can be answered too: They will do what I like to call "people work." People work is work that purports to serve the more subtle—but nonetheless real—interpersonal and psychological needs of groups and individuals. I predict that people work will provide the most expansive sector of the job market in the foreseeable future. And the expansion will take place through government actions.

The possibilities in this area are endless: ever more differentiated urban task forces; vast new services for special groups (the very young, for instance, but the old are also a very promising group); new agencies for community development, political participation, intergroup conflict resolution—to be followed by superagencies to coordinate programs and jurisdictional disputes between the agencies; in connection with massive government programs in health, a proliferation of therapeutic services of every description; and so on. All this will create not only gigantic new networks of tax-supported bureaucracies, but also new coteries of experts, who will organize themselves in professional associations and even unions.

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And needless to say, funds will flow into the educational system to provide training programs for all this personnel. As people work becomes institutionalized, powerful vested interests (and increasingly organized ones) will ensure that the institutionalization will be permanent: Once, say, the New York City Department of Parks has budgeted lines for 200 sociology Ph.D.'s, we sociologists will make very sure that things stay this way—and we will be able to promise big trouble to any politician who says that this is a waste of the taxpayers' money. What is more, since we are a pretty sophisticated group, we'll have no problem producing the theories (*scientific* ones, to boot) that will legitimate the new status quo.

Promoting pluralism

So much for my scenario. It may sound like a very cynical assessment, but it does not have to be regarded in this way. In a pluralistic society like ours there exist genuine social and psychological needs that people work might well satisfy. Are the solutions proposed terrible? Well, that depends. I would contend that they hold considerable dangers, but that they are not necessarily the worst thing that could happen.

The dangers are obvious: If there is an overriding lesson to be learned from the history of the last hundred years, it is that the modern state is the most dangerous institution around. Any additional expansion of state power, even if deemed necessary, is to be looked at with the deepest suspicion. The scenario outlined above belongs to what I believe to be a long-term trend toward totalitarianism intrinsic to modern society. But even in the shorter run, there are great dangers in such an expansion of state power into areas that were previously left to the autonomous forces of what we usually call "culture." If, for example, most sociologists will eventually be employed by government, will there also be government controls over the manner in which these sociologists will be educated —and eventually over the viewpoints and theories that will be taught in the relevant educational institutions? What will such controls do to the freedom to dissent from this or that professional orthodoxy? What will they do to the spirit of enterprise and innovation?

One factor that may mitigate these dangers is the already mentioned trend in the demographic profile. Twenty years from now there will be proportionately fewer young people, and therefore fewer individuals pressing on the job market and less political pres-

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sure on the government to interfere. In some relevant job areas there may even be, once more, a sellers' market. Thus the problem under discussion may be a temporary one, at least in its most acute manifestations. But 20 years is a long time. What happens in the meantime, given my scenario, will largely depend on two questions: *What will be the organizational forms of the new people work? And what will be its value content?*

In this, as in all other areas of public policy, I believe that a primary concern should be the protection and creation of *pluralistic forms.* While, for the reasons stated, I regard the central role of government in this matter to be inevitable, there are different forms of government intervention. The worst form would be the organization of people work in nationwide programs under the direct administration of federal agencies. Let me suggest some simple rules of thumb for fostering pluralism: Wherever possible, policy should favor administration by the smallest rather than the largest units of government. Wherever possible, policy should permit local decisions on program content, ideology, and staffing. Wherever possible, standards of professional legitimacy should be left to private professional associations. Wherever possible, tax funds should be put directly into the hands of consumers rather than allocated by one bureaucracy to another (this suggests, if you will, a Jencks Plan or Voucher Plan for people work). Finally, government should stay away from any area in which there is some hope for private initiative. I am not sanguine about much people work being sufficiently profitable to interest the business community, but I would like to see the possibility left open.

Values and public policy

The second crucial question concerns the values that will govern people work, whatever its organizational forms. One vision would be that of a huge psychological soup-kitchen, with those who dish out the soup looking upon the activity as better than no job at all, and those who are standing in line doing so less because they need the soup than because they are "entitled" to it. Needless to say, such a soup-kitchen ethos would hardly be a radical departure from patterns already in existence in many government-run health, education, and welfare programs: minimally motivated staffs providing services of dubious quality to a minimally appreciative clientele.

If this minimally inspirational vision is to be avoided, I would propose the following thesis: *People work requires a special ethic*

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—probably a combination between some core values of the much maligned Protestant Ethic and other values of a different sort. More specifically, if people work is not to become a soup-kitchen operation, it will require personnel capable of discipline and concerned with the competent performance of set tasks. A case can be made that, in all advanced industrial societies, there is a crisis of competence. The college student who does not want to read, the office worker who loses the files, the mechanic who overlooks the trickier malfunctions of a machine—on different levels of the occupational system, these all represent the same pervasive indifference to the task at hand. With regard to job performance, the "I'm-all-right Jack" syndrome is the working-class equivalent of "greening." ("Doing your own thing," almost by definition, means not doing the tasks set by your job.) Increasingly, we seem to live in a society of incompetence (and, frequently, *aggressive* incompetence), which is not only tolerated but actively fostered—most importantly, by the educational system.

I would argue that a revival of certain central values of the Protestant Ethic—infused with a set of new "social" values—is urgently necessary if the so-called quality of life in our society is not to deteriorate from year to year, and I think that this revival will have to begin in the schools. In particular, though, such a revival is required in the area of people work, and for a very simple reason: In other types of work there are *intrinsic* controls over incompetence. For example, if the phone service in New York City deteriorated only a little more, it would become impossible to make phone calls at all; at that point, the public outcry would probably compel greater competence. And in private business and industry, the profit motive continues to serve as a deterrent to incompetence. In government-sponsored people work, however, there will be few if any intrinsic controls and there will be no profit motive. Competence must, therefore, be the result of *extrinsic* controls—that is, controls brought into the situation and not being generated from within it. Some of these extrinsic controls can, of course, be legislated through professional canons of conduct, civil service regulations, and the like. The most important extrinsic controls, however, cannot be legislated; they must take the form of internalized values.

The Protestant Ethic, as applied to people work, prescribes two things: Moral conviction about the goals of the activity, and moral commitment to the work involved. Neither can today be assumed. This means that there will have to be sustained reflection about the meaning and purposes of people work, as well as about the values

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that are to become guiding principles for it. For this reason, I have added, under the term "social values," a place for those new values that are not contained in the Protestant Ethic and yet are necessary in a 20th-century setting. Some of these new "social values"—such as increased sensitivity toward the needs of others and tolerance towards differences—have already come to the fore in the youth culture of the past 10 years. But much more reflection upon and assessment of these value questions will obviously be necessary. This brings me to the final thesis of this essay: *Policy research and planning in the area of people work should have a strong component of value analysis.*

Policy research today is a big and going concern, and it is likely to continue as such. Many of its results have been useful. It has provided the policy maker with large bodies of technical data about many existing situations and with various technical projections on future developments (including the probable future consequences of his own policies). This is all to the good (although, as political scientist Warren Ilchman has recently argued, there may be a point of "optimal ignorance" for the policy maker, beyond which he just gets confused and paralyzed).

Such technical research, however, has a built-in limitation. It is, by its very nature, "value-neutral." Public policy, however, can *never* be "value-neutral." Directly or indirectly, explicitly or implicitly, public policy *always* involves values and choices between value options. In the area under discussion here, as well as in many other areas of policy, it is very important that these values be brought out into the open, so that their consequences can be understood and the necessary choices between them can be made consciously.

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The new journalism and the old —thoughts after Watergate

PAUL H. WEAVER

THE "fourth estate" of the realm —that was Burke's way of summing up the role of the press in his time, and when one has discounted the medieval terminology, his phrase is no less apt today. It reminds us that the press, as the co-equal of other "estates," is a political institution in its own right, intimately bound up with all the institutions of government. It affects them and is affected by them in turn, and together they determine the nature of the regime and the quality of public life. Governmental institutions have political effects through their exercise of legislative, executive, or judicial powers; the press achieves its impact through the way it influences the entry of ideas and information into the "public space" in which political life takes place. So the basic question to be asked about the press is: What is its relation to other political institutions, and how does it consequently manage the "public space"?

The aftermath of Watergate provides a suitable occasion for rethinking this question—though not because the press was in any way at fault in this episode. The Watergate scandals emerge solely from the Nixon Administration's abuse of its Presidential powers in matters ranging from campaign finance and civil liberties to national security. By covering the emerging scandals as it did, the press was acting in accord with a venerable journalistic tradition that dates back to *The New York Times*' exposé of the corrupt Tweed Ring in 1871.

Yet Watergate was more than a series of criminal and corrupt

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actions; it also has raised basic Constitutional questions concerning the interrelationship among all our political institutions, including of course the press. One of these issues was the freedom of the press. Many of the abuses symbolized by Watergate—the Plumbers, unjustified investigations and wiretaps, and so forth—were in fact directed at the press as part of the Administration's campaign to make the news media less critical. If these efforts had been successful, they would have reduced press freedom and altered the balance between government and the press in favor of the former. For the time being at least, that danger has been averted.

So the press emerges from Watergate as free, self-confident, and enterprising as at any other time in its history. But it also emerges a bit different from what it was before. For the press today is an institution in limbo—an institution in that distinctive kind of trouble which derives from not having a settled idea of its role and purpose. It is in limbo because it now occupies an ambiguous middle ground between its longstanding tradition of "objective" journalism and a new movement for an "adversary" journalism—no longer massively committed to the one but not yet certain, let alone unanimous, about the other. To the extent that it is committed to the new movement, it is committed to a journalistic idea that is not easily compatible with American institutions in their current form, nor easily reconciled with some of its most valuable traditions. And to the extent that the press embraces this movement, its political role will remain in flux until some new practical adaptation to adversary journalism is worked out by government, public opinion, and the press itself. Watergate did not create this problem—it has been growing for a decade now—but it did intensify it. And this is the problem which confronts American journalism after Watergate.

Two kinds of journalism

To put the matter briefly: Traditionally, American journalism has been very close to, dependent upon, and cooperative with, official sources. This has been one of its problems, but it has also been its greatest strength and virtue. For in various ways this arrangement has maximized both the openness and flexibility of American government and the amount of information available to the citizenry. Over the past ten years, however, a small but significant and still-growing segment of the journalistic community has begun to revise this relationship by assuming a posture of greater independence and less cooperativeness. They see this change as a modest reform which will render

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American journalism purer, better, and truer to its traditional aspirations. In fact, it represents a radical change. In the long run it could make the press "freer" but also less informative and possibly more partisan; and this in turn could make the political system more closed, less flexible, and less competent.

To appreciate the meaning of what has happened, we may begin with the simple fact that journalism is the enterprise of publishing a current account of current events.[1] As such, it cannot proceed until three prior questions have been settled. First, there is the question of how, where, and on what basis to find and validate information. Second, there is the question of the point of view from which events are to be surveyed and characterized. And third, there is the question of the audience to be addressed and the basis on which it is to be aggregated. Abstractly, one can imagine any number of possible resolutions of these issues, but in practice things work out more simply. For wherever one looks in the modern world, daily journalism seems to assume one of two general forms: the partisan and the liberal.

Partisan journalism, which prevails in many European countries, and which has traditionally been represented in the United States by the "journal of opinion" rather than the newspaper, begins with an explicitly political point of view. It is ideological journalism. It aims at assembling an audience that shares its point of view; its object is to interpret public affairs from within that point of view; and it gathers information for the purpose of illuminating and particularizing such interpretation. Such a journalism is less concerned with information as such than with the maintenance and elaboration of its point of view. To it, events are more interesting for the light they cast on its "position" than for what they are, or seem, on their face.

Liberal journalism, by contrast, which prevails in the English-speaking world, is characterized by a preoccupation with facts and events as such, and by an indifference to—indeed, a systematic effort to avoid —an explicitly ideological point of view. It aims instead at appealing to a universal audience on the basis of its non-political, "objective" point of view and its commitment to finding and reporting only "facts" as distinct from "opinion." Liberal journalism strives to be a kind of *tabula rasa* upon which unfolding events and emerging information

[1] I should point out that I am using the terms "journalism" and the "press" in these pages to refer to *daily* journalism only—that is, to daily newspapers and broadcast news programs. There are other forms of journalism, of course: weekly, monthly, quarterly, general purpose, special purpose, and so on. These other forms are important and interesting, and they perform crucial functions vis-à-vis government and the daily press itself. Unfortunately, space prevents me from considering them in this essay.

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inscribe themselves. Its principal concern is to find as many events and as much information as it can, and it does this by going to "sources"—persons and organizations directly involved in the events, upon whom it relies both for information and for the validation of this information.

Throughout the 20th century, American journalism has been solidly in the liberal camp. It has sought a universal audience rather than a factional one; its central objective has been to find and publish as much information about as many events as quickly as possible; and it has striven to do this on the basis of a non-partisan, non-political, "facts-only" point of view. Or at least these have been its ideals; the extent of their actual realization has been subject, not only to the vicissitudes of human judgment, but also to two tensions inherent in the very idea of a liberal journalism.

The first of these is the tension between access and autonomy, between the effort of the press to get as much unambiguously true information about as many events as possible—which requires a maximum of access to the actors in these events, which in turn entails a maximum of dependency on these actors—and its effort to preserve its capacity for independent judgment. The second tension arises out of the desire of liberal journalists to avoid taking a political point of view, which conflicts with the inevitability that, in the course of describing events, some sort of point of view will be assumed (observation and writing cannot proceed in the absence of one), and that no point of view will ever be totally devoid of political implications.

Access and independence

To these complex problems, the established liberal tradition of American journalism provides a suitably complex resolution. As between access and autonomy, the tradition opts massively and with a clear conscience for access. This choice is reflected not only in the way newsmen go about their work, but in almost every other feature of American journalism as well, from the form of the news story to the role of the newspaper owner. By opting for access, the American press has given priority and reality to its ideals of acting as a *tabula rasa* and maximizing the amount of raw information it provides to the electorate. This same emphasis on access also goes a long way toward settling, if only unintentionally, the problem of point of view. A *tabula rasa* that is written on primarily by persons involved in events inevitably reflects their slant on the world.

In practice, then, this emphasis on access means the following:

First, virtually all the information published by the press is derived

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from (and is validated by) "high-level sources," i.e., persons, officials, and organizations actively involved in the events in question.

Second, what newsmen know about the events and issues they cover, and about the general context in which these occur, they acquire almost exclusively from the persons involved rather than from external professional, academic, or ideological sources and authorities.

Third, the point of view from which newsmen write is largely determined by the views, concerns, vocabularies, and situations of those actually involved in public affairs. The viewpoint of the American press is thus a practical rather than ideological or theoretical one.

And fourth, as a result of this emphasis on access, newsmen are routinely aware of—or can easily gather—a truly immense amount of information. They are authentic ringside observers of men and events. They can never publish more than a small fraction of what they know (or have reason to believe), and what they do publish is backed up by a large, if often unarticulated, familiarity with the persons, institutions, and issues involved.

Yet if the "objective" tradition defines American journalism as a primarily derivative and dependent enterprise, it also provides the newsman with a limited but still quite important sphere of independence. Partly this independence has existed by virtue of the sheer volume of events and information which are routinely available to the working newsman. He therefore is confronted with the daily and hourly necessity of choosing, and to choose is to exercise a measure of independent power. This power is enhanced by the fragmentation and indiscipline of American government. Not only do they increase the number of points of access for the newsmen seeking a given bit of information, but they also create for him the opportunity—often exploited in practice—to follow the maxim *divide et impera*, an approach whose utility is made much greater by the almost insatiable appetite of most officials for the two political resources which the newsman possesses automatically: publicity and information. The traditional journalist, then, is not utterly at the mercy of his sources.

Just as important as the fact of the newsman's power is the independent way in which the liberal tradition of American journalism has encouraged him to use that power. To begin with, the tradition demands that the newsman maintain a strict formal independence of his sources: There are to be no financial conflicts of interest, and excessively close personal or ideological relationships are frowned upon. Second, each of the newsman's uses of his selective power is subject to a process of review by his journalistic peers and superiors; not only is the newsman supposed to be free of obligations to his sources, but

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also he is held answerable before the court of journalistic opinion. Third and most important, there is the traditional norm of "independent" judgment. The newsman is not to have a single, comprehensive, ideological point of view, but the liberal tradition of American journalism does encourage him to have an occasional *ad hoc* opinion and to bring such views to bear in his reporting—provided they pass muster with his journalistic colleagues and superiors, and provided also that there aren't many such opinions and that they manifest themselves only infrequently. (James Reston is an exemplar of this ethos, a man of judgment rather than a man of partisan ideology.) And as vehicles for the expression of these modest and occasional opinions, the liberal tradition sanctions, in addition to "objective" reporting, the devices of muckraking and the "crusade" against a particular instance of inequity. These latter are not often used, but they do remain in the newsman's arsenal to define alternative modes of dealing with institutions and events—and to give the newsman further room for exercising independent judgment.

The liberal tradition

In the liberal tradition, then, the relationship between newsman and source, between press and government, is one of structured interdependence and bartering within an atmosphere of amiable suspiciousness. Each side knows its role. The job of government is to give access and information—*and to do so to a far greater extent than would or could be required by law*. This last point is worth emphasizing, since in this respect American government differs markedly from European (even British) governments. All European journalists are immediately struck by this difference. The American reporter not only has access to official announcements and press releases; he also has the opportunity of becoming the confidant of the official and of enjoying limited but regular access to his personal thoughts, official secrets, internal departmental gossip, and the like.

Of course, there is a price tag on such extraordinary access. The reporter is expected to be generally sympathetic to the public official and his government and to cooperate with them as far as his sense of professionalism permits. Beyond that, the press is expected to have no strong and comprehensive ideas about the general shape of public affairs; it is officialdom which is collectively entitled to define the topography and limits of public discussion and the news—and each individual official is to have the further opportunity of attempting to shape the content of news to suit his own preferences or purposes.

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But the press also has its role and rights. Its main job is to exploit its access and, one way or another, to get as much information as it can into public circulation. It has the right to select freely among the often widely divergent ideas and information circulating within officialdom and to expose corruption and foulups. In exchange, it is expected to see to it that the impression being made on the public is not radically at odds with the reality of affairs as newsmen and officials, from their "inside" perspective, know it to be.

At the level of day-to-day individual interaction, of course, the relationship between press and government in the "objective" tradition is ill-defined and highly variable. There are a few rules of thumb that all parties are expected to observe. Officials are not supposed to lie—at least, hardly ever, and then only for some good public reason. They are also supposed to keep their efforts to deceive newsmen and the public to modest proportions. And they are not ever to use the powers of government to harrass or coerce newsmen. Newsmen, for their part, are expected not to "editorialize" in their news stories and are supposed to give persons accused or disputed in a story an opportunity to tell their own side of the matter. And newsmen are also expected not to publish certain kinds of information without permission: official secrets, information about the seamy side of officials' private lives, and "inside dope" of no particular relevance to public policy. But within these limits, more or less anything goes. There is much uncertainty and much room for maneuver, manipulation, and enterprise on both sides—and for all their mutuality and cooperation, there is also endless conflict between government and press. But in this general scramble there are limits that both of the parties respect.

The great virtue of the liberal tradition of American journalism is that it enables the press to find and print a great deal of information —much more of it, and more quickly, than partisan newspapers can. For the newsman, it has the further advantage of affording him an opportunity to become truly learned and sophisticated about public affairs through an informal process of close personal observation. And for the citizen it has the virtue that it produces news which is generally intelligible. One can know that the content of news is a more or less faithful reflection of affairs as they are understood by the persons engaged in them, or at least as officialdom as a whole sees them. What is more, the general perspective on events is a practical one. News presented in this way, is sensitive to the practitioner's questions of "What next?" and "How to?" and "Who are my friends and enemies?"—and this in turn increases the possibilities that public

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opinion, reacting to the news, will have significant impact on the day-to-day conduct of government.

Of course, the established tradition has its shortcomings as well, and some of them are quite severe. It is a kind of journalism that is very easily (and very often) manipulated, especially by government but also by newsmen themselves. In any particular instance, the reader can never be absolutely sure that the impression being conveyed to him is a reasonably accurate reflection of the reality of affairs. And beyond that, traditional liberal journalism is perhaps excessively controlled by the ethos and conventional wisdom prevailing among "insiders" and shared by newsmen. In short, the "objective" tradition has the vices and virtues inherent in the idea of acting as a *tabula rasa*. But the virtues are substantial ones too, and the vices, serious though they are, are to no small extent inherent in the very mission of journalism as defined by the liberal tradition: publishing a current account of current events for "the general reader," i.e., the ordinary citizen.

The origins of "adversary" journalism

What I have just described is the operational reality of the liberal tradition of American journalism. The image which that journalism has of itself is not exactly congruent with the reality. Some elements of this image, to be sure, are accurate enough. For instance, newsmen correctly believe that they perform three quite different public functions: For the most part, they act as neutral finders and conveyors of information; to some extent they are the "watchdogs" of government; and on rare occasions they advocate the reform of observable inequities. But in other respects, and especially as it depicts the relationship between press and government, the image is a romantic fiction. To listen to traditional newsmen, one would think that the press is completely independent of government in its quest for news, that it routinely searches out vast amounts of hidden, jealously guarded information, that it is constantly defying persons in high office, and that it is the day-in, day-out adversary of "the Establishment" and the equally faithful defender of "the People."

Now this myth of the autonomous, investigative, adversary press does serve a useful purpose. One of the greatest problems of traditional journalism is its proneness to cooptation by its sources. To the extent that newsmen believe and act on their romantic notion of who they are and what they do, the likelihood of their becoming mere uncritical puppets in the hands of their sources is diminished. More-

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over, their morale would be lower, their energy smaller, and their self-respect weaker if they subscribed to a truly realistic conception of daily journalism. The romantic image of the "adversary press," then, is a myth: "functional" for certain purposes, but wholly inaccurate as a model of what newsmen actually do or can hope to achieve.

The movement for a new, genuinely adversary journalism which has gained such ground over the past decade arises out of this romantic myth; it is to the liberal tradition of our press what, in a religious context, heresy is to orthodoxy. It is the nature of a heresy to isolate a part of a tradition or doctrine and to treat the part as if it were the whole. The current "heretical" movement in American journalism is defined by the fact that it takes the mythical part of the "orthodox" tradition—the fiction of the autonomous, investigative, adversary press—for the whole of that tradition. It presents itself as an effort to make our press live up to what it always said it was: a journalism that is autonomous instead of interdependent, original instead of derivative, and in an adversary instead of cooperative relationship with government and officialdom. Like religious heresies, the movement *appears* to be a "reformation"—an effort to recover the core of a partially but not irrecoverably corrupted tradition. But such appearances are misleading. For, because heresies are simplificatory, what they profess to be "recovering" is actually something that never was and that was never intended to be. What they really advocate, therefore, is the creation of something quite new and different under a smokescreen of rhetoric about restoring what is old and familiar.

Although this movement for a newly purified journalism did not attain real strength until the late 1960's, its origins lay somewhat farther in the past. Within the journalistic community, three events were critical in fomenting dissatisfaction with the existing press-government relationship: McCarthyism, the U-2 incident, and the Bay of Pigs. Each cast discredit upon the Cold War itself or the spirit in which government conducted it, and together they caused newsmen to revise their opinion of American institutions and their own relationship to them.

In a way, McCarthyism was the most important. It was a powerful, nationwide movement, and no demagogue can create such a movement without a sounding board in the press. By uncritically repeating and dramatically displaying the sensational charges made by a Senator—in keeping with the usages of objective journalism—the press provided Joe McCarthy with just such a sounding board. In the aftermath of the McCarthy era, newsmen increasingly agreed that they had permitted themselves to be used irresponsibly. A member

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of government had abused the power that the objective tradition gave him over the press. The answer, it was generally agreed, was that the press should become more vigilant and critical, and should exercise much more discretion about what it printed in connection with known demagogues, even those in high public office.

Then came the U-2 incident and the Bay of Pigs. In the former case, it may be recalled, various government agencies first said that the flight was for weather research and not espionage (the plane had presumably strayed off course), then said that it was for espionage but that President Eisenhower had not known about it, whereupon Eisenhower came forward and publicly declared that he had known and approved of the program. In the latter case, President Kennedy persuaded *The New York Times,* on grounds of national security, not to print a story on preparations for the Bay of Pigs invasion. After the invasion flopped he publicly stated that the *Times* should have printed the story because he would then have been forced to cancel the invasion, sparing the United States one of the worst foreign policy fiascos in its history. It was not merely that government had lied and suppressed news, and been caught at it. Nor was it only that the press had been used, used easily and with cavalier disrespect, and used wrongly. It was rather that two *Presidents* had publicly admitted lying and suppressing news, and that one of them said the press shouldn't have listened to him. Clearly the problem which the press had identified in the aftermath of McCarthyism was not confined to an occasional demagogue in Congress; it extended to the highest and most respected officials in the land. If one couldn't trust them, evidently one couldn't trust anyone.

The experience of the 1960's

These events marked the beginning of both the "credibility gap" theme in public affairs reporting and a growing truculence among newsmen. By 1966 Clifton Daniel, then managing editor of *The New York Times,* could give a speech saying that the *Times* had been wrong not to print the Bay of Pigs story and would not make such a mistake again. The *Times* is of course our preeminent journalistic institution; it had previously been cooperative with government about national security matters; and it does not make admissions of error lightly, if at all. The speech was a watershed in modern journalistic history, and it served notice that an important article in the informal covenant between press and government was being renegotiated, if not unilaterally repudiated.

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This issue might have been resolved satisfactorily had not four further developments supervened. One of these was the steep decline, during the 1960's, in the competitiveness of the "prestige" newsmarkets, especially New York, which quietly but effectively shifted the balance of power between newsmen and sources. When *The New York Times* had been actively in competition with the *Herald-Tribune,* their newsmen felt constrained to maintain friendly relationships with sources so that their opposite numbers would not get "exclusives"—and sources, as a consequence, could "whipsaw" newsmen to keep them in line. When the *Times,* the Washington *Post,* and other leading newspapers no longer had any true local competitors, their newsmen became less beholden, and sources became relatively weaker. Since these newsmen worked for newspapers which were widely respected and emulated by lesser publications, and since in any event they produced a large portion of the national news coverage published in the country, this shift had effects out of all proportion to the number of newspapers immediately involved. (Significantly, the only truly competitive comprehensive national news services—AP and UPI—have been little affected by the emergence of the movement for an "adversary" journalism.)

A second important development was the growth in the visibility, self-consciousness, and self-confidence of the journalistic profession, and especially of the Washington press corps. Traditionally, reporting had been a low-prestige occupation; some studies reported it to rank *between* the blue-collar and white-collar occupations. In the 1960's this began to change. President Kennedy showed a special fondness for newsmen; the inauguration in 1963 of the national half-hour television news programs gave the press a new vehicle of unprecedented power and created, overnight, a batch of journalistic celebrities; officials became ever more attentive to the press, and their efforts to manipulate the news grew in scale and sophistication; books and articles about the press began to proliferate; and by the beginning of the 1970's scale salaries at leading newspapers approached (and, in TV, exceeded) those of Assistant Secretaries. Whatever the cause, newsmen had a growing sense of their importance and a corresponding unwillingness to accept the dependency and subordination which, as it seemed, had been characteristic of the position of the press in earlier decades.

Third, there was the extraordinary political and cultural ferment of the 1960's, involving a dramatic expansion and intensification of political conflict and the emergence of countercultural, anti-establishment, and other oppositional movements. The spirit of the age

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had its impact on the journalistic community, especially on its younger, newly-recruited members. The psychological distance between press and government and the frequency of stories critical of established policy grew.

More important than this direct form of cultural influence, however, was the indirect influence of the spirit of the 1960's upon journalism. As we have noted, the traditional mode of American journalism was dependent and derivative; the press largely reflected the ideas and balance of power in official circles. As the 1960's wore on, an ever larger segment of officialdom itself became sympathetic to the oppositional fashions of the decade. Not only "the kids" and other people "out there," but also Senators, committee chairmen, Washington lawyers, and Assistant Secretaries began to articulate the spirit of "confrontation" and "alienation." Thus, as ideological movements of opinion became stronger, traditional journalism found itself having to choose from among a variety of perspectives, all of which could claim some official standing. Merely by continuing to report public affairs in the traditional way, the press gave increasing exposure to the ideas and symbols of the oppositional movements.

The White House vs. the press

This led in turn to the fourth development which fostered the current movement for a "new journalism": the intensification of opposition to the movements of the 1960's, both in public opinion at large and within specific institutions and political circles. One of the ways in which such "backlash" sentiment expressed itself was by attacking the press for giving exposure to those movements, and one of the most prominent sources of such attacks was the White House, beginning with Lyndon Johnson. For a variety of reasons—good, bad, and indifferent—both Johnson and his successor chose to resist the growing truculence of the press and the exposure it gave to the growing anti-war and other oppositional movements in the country as a whole. As in Vietnam, so on the homefront: With each escalation of the President's campaign against the press, the press seemed to counter with an added measure of defiance and a little more coverage of oppositional politics.

At first the belligerents fought their battles with the conventional weapons of legitimate political warfare. LBJ used the personal approach (flattering and punishing reporters, making telephone calls to network executives, etc.) and the traditional devices of political public relations (emphasizing good news and deemphasizing the

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bad, manipulating the appearance of events, wheeling out various "experts" and "authorities" to defend his positions, and the like). The Nixon Administration, in its early months, added to these devices the long-range artillery of Agnewian rhetoric and an elaborately centralized system of "public information." These tactics not only didn't work, they seemed only to confirm the press in its new determination to be independent, which in context meant critical.

As feelings on both sides grew more embittered, their tactics became more unconventional and the struggle more total: It was an omen of the Watergate era to come. The Administration—which in this escalation was clearly the aggressor—launched FBI investigations of newsmen it felt to be hostile; deprived the press of traditional forms of access, such as the press conference, the casual telephone conversation, and the cocktail party; threatened television stations with loss of their licenses; in the first case of prior censorship in American history, brought suit to enjoin the publication of the Pentagon papers; and set up the Plumbers to stop unauthorized leaks. The press countered with heavy coverage of anti-Nixon political elements, publication of secret government documents (the Pentagon and Anderson papers) which they would not have dreamed of making public ten years earlier, and a growing pattern of refusing to accept the legality of subpoenas issued by courts in the course of due legal processes. There was also a certain tendency to begin ignoring traditional journalistic standards of fairness and truth. When the Supreme Court issued its "Caldwell" decision in 1972, which at most only upheld the existing rules defining the testimonial obligations of newsmen, the press interpreted this a a *change* in Constitutional law that reduced freedom of the press. A year before, in "The Selling of the Pentagon," CBS-TV editors falsified the continuity of a filmed interview with a Pentagon official. And when the actions of any newsman were challenged or criticized, increasingly the journalistic community as a whole drew together in defense of its own, right or wrong. Jack Anderson was given the Pulitzer prize for publishing a National Security Council minute concerning the American position in a current, explosive diplomatic situation, and "The Selling of the Pentagon," despite its dubious editing, was cited for excellence in the television documentary category.

The new mood

The upshot of these developments was that the liberal press particularly—and to an increasing extent other parts of the journalistic

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community as well—found itself ever more committed to a stance of truculent independence from government and officialdom. Increasingly it felt that its proper role was not to cooperate with government but to be independent of it, or even opposed to it. Increasingly newsmen began to say that their job was to be an autonomous, investigative adversary of government and to constitute a countervailing force against the great authority of all established institutions. And increasingly they began to see as illegitimate the few traditional formal constraints upon the press: libel law, "fair trial" restrictions on news coverage, testimonial obligations upon all citizens to give their evidence under subpoena, and the laws defining and protecting government secrets. These sentiments, and the actions which in modest but growing number gave concrete expression to them, define the movement for a "new journalism" which exists today and which poses the central question which the press will have to cope with after Watergate.

It is impossible to state with any precision or sense of certainty just how widespread and securely entrenched this movement is. Its only clearly identifiable location seems to be generational: It is young reporters, in their twenties and early thirties, who seem most to share the attitudes that define the movement. In general, though, it is more a mood than a settled, behavioral pattern; a thing more of the spirit than of the flesh; a tendency or yearning more than an established and institutionalized accomplishment. And yet it is a fact. If it is not so widespread or influential as current conservative critics of the media insist, it is also more substantial than defenders of the movement admit. It exists; it really is unlike that which has prevailed in our journalism for decades; it could yet become dominant; and it makes a difference.

The Blasi findings

A recent study by Professor Vince Blasi of the Michigan Law School suggests something of the extent to which the attitudes of this movement have gained ground in the journalistic community. As a means of measuring the need for and effects of "shield" legislation, Blasi in 1972 asked a non-random sample of almost 1,000 newsmen to respond to the following hypothetical situation:

> You have a continuing source relationship with a group of political radicals. They have given you much information in confidence and this has enabled you to write several byline stories describing and assessing in general terms the activities and moods of the group. During the

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course of this relationship, you are present at a closed meeting with ten of these radicals at which the group vigorously debates whether to bomb a number of targets, including the local police station. The consensus is against such bombing, but two members of the group argue very heatedly in favor of bombing and are deeply upset when the others refuse to go along. These two then threaten to act on their own. The discussion then turns to another topic. Two weeks later the local police station is in fact bombed. One officer is killed by the blast and two others are seriously injured.

The first question Blasi posed was this: "In these circumstances, would you on your own initiative volunteer the information you learned at the meeting *right after the meeting* (i.e, before a bombing took place)?" Of those who responded, 26.2 per cent answered "yes," 55.5 per cent "no," and the rest gave no answer.

Question #2: "Would you volunteer the information on your own initiative to law enforcement authorities *after the bombing* (but before you were contacted by the police or subpoenaed by a grand jury)?" Answer: 37.6 per cent yes, 36.0 per cent no, 26.4 per cent no answer.

Question #3: "Assume that you were subpoenaed by a grand jury investigating the bombing but that an absolute legal privilege were established so that you could not be compelled to answer questions against your will. Would you voluntarily answer if the grand jury asked you whether this group of radicals had ever discussed the possibility of bombing the police station?" Answer: 45.5 per cent yes, 36.0 per cent no, 18.5 per cent no answer.

Question #4: "If the grand jury asked you to name the members of the group who had advocated bombing?" Answer: 36.9 per cent yes, 44.1 per cent no, 19.0 per cent no answer.

Question #5: "Assume that one of the members of the group who had argued vigorously *against* the bombing was indicted for the crime and that you believed, on the basis of the meeting, that it is highly unlikely that this particular member was the bomber. Would you on your own initiative volunteer this information to the prosecutor?" Answer: 60 per cent yes, 22.2 per cent no, 17.8 per cent no answer.

Question #6: "If this member's defense lawyer subpoenaed you at the trial would you testify about the meeting you had witnessed (including giving the names of those who did advocate the bombing) even if you were protected by an absolute privilege so that you couldn't be compelled to testify?" Answer: 43.2 per cent yes, 36.4 per cent no, 20.4 per cent no answer.

In the liberal tradition of "objective" journalism, newsmen co-

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operated with government and especially with law enforcement officials in serious felonies like bombing and murder. One may safely assume that, at some point, a traditional reporter would have given his information to the authorities and defense lawyers—albeit with a guilty conscience over having broken his pledge of confidentiality.[2] Blasi's newsmen show the opposite inclination. Even in a case of bombing, death, and serious injury, only one fourth said they would warn authorities of the possibility of a bombing beforehand; only two fifths said they would volunteer their information after the bombing; less than half were sure they would tell a grand jury that the group had discussed the possibility of bombing; and only two fifths were willing to name the persons who had advocated the bombing. And most startling of all, *almost three fifths of this sample of 1,000 reporters were unwilling to say that they would go to court to testify in defense of persons on trial for murder even if they had information tending to show the defendants to be innocent and others to be guilty.*

Issues of confidentiality

Of course, these are only attitudes; it is quite possible—even likely—that, in the crunch, no more than a handful of newsmen would actually withhold their evidence in such circumstances. But in a way that is beside the point. What is to the point is that these attitudes are widely perceived to exist among newsmen, and that a few newsmen have begun to act on the basis of them. Together these developments have raised two large and disagreeable issues which our political and legal processes are now forced to grapple with.

One of these is the problem posed by the unauthorized publication of secret or confidential government documents, ranging from White House memoranda and secret depositions before grand juries to Jack Anderson's National Security Council minute or William Beecher's

[2] Writing in the January 15, 1973 issue of *New York*, Richard Reeves described a classic instance of the traditional relationship. "I remember . . . my first big story with *The New York Times* in the summer of 1966 . . . a homicide case against a young man named Ernest Gallashaw, accused in the shooting of a ten-year-old boy during racial rioting in the East New York section of Brooklyn. . . . In ten days or so . . . I came back with notebooks full of interviews and evidence that made it clear . . . that New York City authorities were playing fast and loose with Gallashaw's life and freedom. . . . I wrote a three-column story, but just before deadline . . . I was told that it would not be published immediately and that I was to turn over our evidence to the Brooklyn District Attorney's office.

". . . Clifton Daniel, then the managing editor . . . explained . . . that homicide investigations were government business. . . . The *Times* ran the complete story a day later, beginning on page 1 with a lead saying the District Attorney was investigating new evidence in the case."

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summary of the U.S. fallback position in the SALT-I negotiations. In large part, to be sure, the issue here should focus more on the persons responsible for leaking documents than on the press, which merely publishes them; surely the proper initial defendant, in a legal test of this process, is not *The New York Times* but Daniel Ellsberg, not Jack Anderson but his sources (apparently in the Pentagon). Yet it is also an issue that concerns the press itself because, until recently, the press, out of regard for national security or fear of the consequences, would not have published the Pentagon papers (though it might well have written *about* them, in a veiled and guarded way). Today, obviously, it will publish them, and the result is that we are confronted squarely with a new issue that we would be better off not having to deal with.

It is an impossible issue. However it is resolved, or even if it is not resolved, we will be worse off than we were before it was raised. It involves a conflict among three valuable traditions—press freedom, confidentiality in government, and the relatively open or amorphous quality of American government. Conflicts among these traditions have heretofore been resolved on an informal, *ad hoc* basis. To attempt to resolve them systematically and formally is to lose much and to gain little, if anything. One does need secrecy and confidentiality in government: to protect national security from enemy powers, to ensure that persons in government will feel free to write down on paper their best individual judgments on issues of fact and policy, and perhaps most of all to preserve the ability of officials (especially the President) to be flexible and to take initiatives. (Premature leaks are the tried-and-true device for forestalling Presidential initiatives in policy and administration, or for rendering them ineffective once taken.) On the other hand, one does not want Congress to make any law abridging the freedom of the press in order to preserve this confidentiality. Nor does one want to take the path of enacting an official secrets act that provides severe penalties for any civil servant who leaks information without formal approval from the highest authorities. This last measure would sharply reduce the amount and range of perfectly harmless and also useful information that would be made—is now made—available to the press, usually to the benefit of us all; it would also reduce the ability of Congress to oversee the Executive, since it would know less about what was going on. Thus, by retreating from its old cooperative notion of public responsibility, the press has created an issue which cannot be resolved without changing the American system as a whole in some fundamental—and unattractive—way.

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More or less the same is true of the second issue raised by the current movement for a new journalism: the question of the testimonial obligations of newsmen. In the past several years, journalists have begun to insist with increasing frequency and vehemence that they should not be compelled by grand juries or courts to disclose information they have gathered from sources on a confidential basis. To do so, they say, will cause sources to give less information to the press, which in turn will reduce the amount of information citizens can glean from newspapers. Previously, newsmen had generally cooperated with the law enforcement establishment. Now, partly because of the increasingly adversarial stance of newsmen towards government, and partly also because more newsmen have begun to cover the activities of radical, violent, or criminal groups, this has changed. A number of newsmen have chosen to go to jail rather than reveal the identity of confidential informants or the substance of what they learned from them. And in defense of this choice they have offered the further argument that the press is now subjected to so many subpoenas—over a four-year period beginning in 1968, for instance, the Chicago *Tribune* received more than 400—that its operations are truly disrupted and its freedom, as a practical matter, is reduced.

Should we then enact shield legislation exempting newsmen from their testimonial obligations? Perhaps, but to do so is not without its costs. With certain minor and traditional exceptions, all citizens are now obligated to give their evidence before courts of law. It is hard to see why newsmen should be made a class apart in this respect; and it is likely that such an exemption would render our system of criminal justice less effective. The price of immunity for journalists would be less justice for everyone else. Here, too, we have a dilemma that is created by the newsman's increasing withdrawal of his consent from the traditional covenant of cooperative suspiciousness between the press and government. To resolve the issue is to change the American system in fundamental—and, again, unattractive—ways.

A retreat from the liberal ideal

The deeper problem with this movement for a new journalism, however, is that it represents an incipient retreat, not merely from an intelligible idea of the public interest and of the responsibility of the press to serve it, but also from the entire liberal tradition of American journalism and the system of liberal democracy which it

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has fostered and served. The problem of the press publishing a few government secrets or withholding the names of an occasional criminal may be serious in principle but it is usually negligible in practice. But there is a larger practical question raised by "adversary" journalism that is not at all negligible: the question of the persistence of the open, fragmented, liberal system of American democracy as we have known it and benefited from it for the past many decades.

Our instinct is to assume that this system is virtually indestructible, rooted as it is in the pragmatic temper of the American people, the Constitutional system of division of powers, and other such factors apparently beyond the influence of what we do or think. This is a reasonable assumption within limits, but it isn't entirely true. The system also depends on many institutions and attitudes which are indeed changeable, and one of the most important—if least acknowledged—of these is the kind of press we have. Its capacity to find and publish vast amounts of information about politics and government, and its success in reaching universal audiences without regard to ideology or political affiliations, have contributed in an important way to the openness and flexibility of American government and to the ability of public opinion to influence the conduct of public affairs and to attain consensus. As the press has become wealthier in recent decades, its ability to gather and print information has increased; as political party organizations have declined, the need and willingness of officials to give newsmen access have also grown; so even while the complexity of government and the amount of "classified" information have increased, the capacity of the press to help the American system realize its ideals has at least kept pace.

The new movement abroad in the journalistic community threatens all this. For the press can make its contribution to the system only by maintaining close access—a closer access, as I have said, than can ever be provided by law. The price of such access is some degree of cooperation and sympathy for government—*not* a slavish adulation, as is sometimes said, but a decent respect for authority, a willingness to see government and persons in government given the opportunity to do their job, and at least a slight sense of responsibility for and commitment to the goals inherent in those jobs. When these are not present, access diminishes. And when newsmen begin to assert they are positively the adversaries of government, access diminishes drastically, and with it not only the contribution journalism can make but also the openness and flexibility of government itself. Politicians and officials are no more than human; they have their

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needs and interests; above all they intend to survive. If they feel themselves to be threatened or harmed, they will eventually take steps to insulate themselves as best they can from the danger.

The history of the Nixon Administration shows some of the ways in which this can occur. At one extreme there is Watergate itself—that is, the Plumbers, wiretaps and investigations of newsmen, harrassment of news organizations, and the like. This is an irrational and pathological response which is as unnecessary as it is intolerable, and we are not likely to see a recurrence in the discernible future. But the Nixon Administration used other methods as well, and these we can expect to see more of, regardless of who is in the White House, if the movement continues to gain ground. There is "jawboning": making speeches criticizing press coverage in hopes of reducing the press' credibility and increasing its cooperativeness. More important, there is the technique of organizing and formalizing all press-government contacts through the instrument of the Public Affairs/Public Information office and the centralized public relations operation, such as the one inaugurated by Herb Klein. And most powerful of all, there is the simple device of self-isolation, on the theory that it is better to have less of a bad press than more of a good press, especially in light of the fact that the effort to seek the latter can so easily end up earning one more of the former. Such a "low-profile" strategy—with infrequent and irregular press conferences, sharply limited informal contact between officials and reporters, even reliance on a praetorian staff lacking extensive ties outside the official family—is one of Richard Nixon's original contributions to the American political tradition. It is clearly an undesirable contribution, especially in its Nixonesque form, and yet it represents a logical adaptation to the perceived existence of an adversary press; the chances are we will see more of it insofar as the new movement gains ground. By the end of his campaign, even George McGovern seemed to be changing his mind about the desirability of having an "open" staff in constant informal contact with the press. The result, as he not unreasonably perceived it, was a bad press which emphasized the confusion and in-fighting within his official family and which thus suggested that McGovern was not a competent executive. It is hard to imagine that if he had won in 1972 he would have continued his policy of openness. The price is simply too high for any rational man to want to pay, and the benefits, if any, are too few and too small.

And as government adapts to the situation created by the current movement for a new journalism, so will the entire profession of jour-

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nalism—and in ways that it does not now envision. As has been pointed out, the traditional form of the news story, the news organization's pattern of recruiting and training newsmen, even the format of the modern newspaper are all geared to the liberal, orthodox mode of journalism, with its preoccupation with facts and events, its relative unconcern for the problem of point of view, and its intention of appealing to a universal audience. In order to work, such a journalism needs reporters to have access to government, and when they no longer have it the capacity of newspapers to maintain the other features of the existing form is weakened, as is the whole idea of and justification for those features. Journalism will change—and the logical direction of change is toward the partisan form of journalism, with its ideological basis, politically based relationship to the government in power, and fractionated audiences. It is possible, of course, that an adversary journalism could persist indefinitely, but this seems unlikely. A stance of "pure" opposition—opposition as an end in itself, rather than as an expression of some larger, positive political commitment—is self-contradictory in theory and likely to be short-lived in practice. The probability is that an adversary press would eventually ally itself with a political faction and so become partisan —an ideologically divisive factor rather than a politically unifying force. The consequences could be enormous.

Two scenarios for the future

Now the partisan mode of journalism has its virtues. It does not evade the problem of "point of view" as liberal journalism does, and in this sense it has an appealing honesty. It also has the capacity to create and sustain coherent bodies of political opinion; at a time when political opinion in this country is so often contradictory and inchoate, that is a very important trait. This is why "journals of opinion," existing on the margins of American journalism, have been so important and desirable.

But if, over the long run, American journalism were ever to turn massively to the partisan mode, the consequences of this development would extend to nearly every aspect of our political system. Partisan journalism would not increase the openness of the system, it would sharply decrease it. It would not reduce the scope of political conflict, but enlarge it. It would not increase the capacity of American government to act effectively and flexibly in meeting emergent needs, but would tend to paralyze it. It would not empower public opinion as a whole, but would transform it into a congeries of rigid ideological

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factions eternally at war with one another and subject to the leadership of small coteries of ideologues and manipulators. Indeed, it would tend to transform the entire nature of American politics: From having been a popular government based on a flexible consensus, it would become Europeanized into a popular government based on an equilibrium of hostile parties and unchanging ideologies.

The alternative to such a "Europeanization" of journalism and politics, it should be emphasized, does not have to be a massive and uncritical reversion to the way things were during the 1950's and early 1960's. Even if this were possible—which it isn't—it would clearly be undesirable. Both officialdom and the press were then busily abusing the "objective" tradition, officialdom by treating the media as an institution to be deliberately "managed" for its own expediential purposes, and the press by encouraging and acquiescing in these efforts out of inertia and a generalized avidity to print "big news" as often and as easily as possible.

There are ways to curb these abuses while still preserving the benefits of the liberal tradition of our press which the "adversary" approach would squander. Government can increase the amount of information which is formally made available on the public record. It can scale down its "public relations" operations to the point where they cannot easily operate as instruments of press management and are content instead mere to disseminate information. As Joseph Lee Auspitz and Clifford W. Brown, Jr., have suggested, the "strategic" cast of mind giving rise to, among other things, the habit of "managing" the press for purposes of personal power can be discouraged by strengthening the political party, which embeds individual actors in an institutional context, channels and restrains their ambition, and promotes a "representative" as against a "strategic" ethos. And the press, for its own part, can help to recover the objective tradition by abandoning its flirtation with the "oppositional" posture and by ceasing to exploit public affairs for their sensation value (since the desire to exploit public affairs in this way is the main incentive leading the press to acquiesce in the manipulations of "strategically"-minded officials). The result, I believe, will be a journalism that provides more, and more useful, information to the citizenry, and a political system that, in consequence, comes a bit closer than in the past to realizing its historic ideals.

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The new federalism: can the states be trusted?

DANIEL J. ELAZAR

ON the day he was inaugurated in 1971, the newly elected Governor of Georgia, Jimmy Carter, walked across the street from the State Capitol to the Atlanta City Hall to tell the then Mayor, Sam Massell, that the state government stood ready to assist the City of Atlanta in any way it could. Though it received scant attention outside the Atlanta area, this was an event of national significance. For Georgia was one of the very last states whose elected officials consistently played to the rural vote by refusing to help Atlanta significantly in coping with its urban problems.[1] Governor Carter's visit to city hall thus marked the collapse of the last bastion of true urban-rural conflict in American state politics, and the consequent evaporation of the last empirical justification for a myth that has been invoked again and again by those arguing for further centralization of power in Washington and for mechanisms that bypass the states to give federal aid directly to central cities.

The passing of state-city conflict in Georgia is only one dramatic example of a more general transformation of state and local governments in the United States that has been going on virtually unnoticed

[1] Even in Georgia this urban-rural conflict was not quite so clear-cut as it seemed, since the state's other metropolitan centers were far less disadvantaged than its capital, which remained suspect in Southern eyes as a post-Civil War parvenu that played up to the Yankees as a means of getting rich.

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since the end of World War II. Much the same thing has happened in Virginia, whose government for years was based on a kind of parsimonious efficiency but has now embarked on a major effort to become at least a mild version of the social service state; in Florida, where flamboyant reaction has been repudiated in favor of a solid, if less glamorous, liberalism; and in Arkansas, where a Democratic moderate has succeeded a Republican moderate as governor. Even Mississippi and Alabama are beginning to respond to the needs of their black minorities and to accommodate increasing black power at the polls and new black officeholders. These, of course, are the states usually pointed to by critics attempting to demonstrate the incapacity of governments outside Washington to govern, and for a long time much of the critics' case was justified. But now even these states have undergone the quiet revolution which has transformed state government, as it transformed local government in the decade of the 1950's, into a solid instrument for meeting the complex needs of American society today.

The critics' case

This revolution remains hidden from most Americans even as the debate over revenue sharing has brought the question of federal-state-local relations to the front pages and editorial columns of the nation's newspapers. In a single issue of *The New York Times* not long ago, Amitai Etzioni became the latest in a long succession of people who have attacked revenue sharing on the ground that state and local government is especially corrupt, and Arthur Schlesinger, Jr., questioned the entire idea of enhancing the power of local government by claiming, as many have before him, that, because the national government is no less the government of the people than local government, there is no reason to believe that anything is better done locally than nationally.

The Etzioni and Schlesinger myths are but two of many. In other quarters, there are those who still argue that strengthening the hand of the states and localities is a way of perpetuating racial discrimination. Others repeat the myth that the federal government grew in power originally because of state and local failures, and that there is therefore no reason to reward the states and localities today. Tied closely with that myth is another one that claims that, because the states and localities have not made sufficient effort to come to grips with their problems on their own, they do not deserve to be bailed out by Washington.

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I submit that a careful reading of the record belies each and every one of these criticisms, revealing most of them to have been untruths from the first and the rest to be criticisms that, whatever their original value, have long since become obsolete. There is more than enough evidence to show that the states and localities, far from being weak sisters, have actually been carrying the brunt of domestic governmental progress in the United States ever since the end of World War II, and have done so at an accelerated pace since the advent of America's direct combat involvement in Vietnam. Moreover, they have been largely responsible for undertaking the truly revolutionary change in the role of government in the United States that has occurred over the past decade.

In making this claim, I do not intend to argue from single examples, as people usually do when they want to "prove" the failure of the states and localities. Generally, when the claim is made that the states or the cities are failing, the claimant then points to Mississippi or Newark or some other state or community that does provide a sufficiently horrible case in point. Such arguments are no more accurate than a claim that the states are the most progressive governments in the country—which could easily be substantiated if one looked exclusively at New York, California, Wisconsin, or Massachusetts, which have been over the last 80 years far more progressive in many ways than the federal government—or that the cities are far more compassionate than any other governments, a contention that would be sustained if one looked only at San Francisco, New Orleans, Berkeley, or New York, which have been far more tolerant of individual social differences and deviations than Washington or any state. In these pages, therefore, I propose to evaluate state and local government, not by citing a few extreme examples, but by looking at the general record which state and local governments as a whole have built in each of the areas their critics have pointed to.

The myth of urban-rural warfare

Criticism #1: The states are unmindful of local—particularly big-city—needs, while the cities distrust the states and refuse to cooperate with them. This argument had considerable merit during the two generations or so the country took to make the transition from rural to urban living. Not unreasonably, declining rural populations were reluctant to give up their dominance of state governments to the new urbanites, particularly since so many of the former genuinely believed in the moral superiority of rural life and so many of the latter

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belonged to ethnic or racial groups with decidedly different mores. Indeed, much of what posed as urban-rural conflict was really inter-ethnic conflict set in a discreet juridical framework—one confirmation of which can be found in the voting support those city dwellers who came from the same ethnic, cultural, and religious backgrounds gave their rural brethren.

Since the rural-urban transition took place at different times in different parts of the country, different states have been undergoing its pains since the late 19th century. Consequently, in the memories of those now living there have always been horrible examples of rural-dominated state political systems interfering with the burgeoning cities within their borders, and these examples have obscured the ever-growing number of states that were politically responsive to their cities.

By 1970 few, if any, states had yet to enter the transition period. Put simply, the record reveals that the transition begins when at least 40 per cent of a state's population is urban and is completed when urban places account for over 60 per cent of the population total. No state is now below that 40 per cent figure, and only 11 (seven of them in the South) are less than 50 per cent urban, but these contain only a bit more than 10 per cent of the country's population. Another nine fall between 50 and 60 per cent. Before the 40 per cent mark is attained, big cities find it very difficult to gain consideration in their state capitols. This is hardly surprising in a democracy, where majorities rule and overwhelming majorities tend to rule easily. After the 40 per cent figure is reached, the cities can begin to bargain with increasing success. Georgia is a case in point, having passed the 40 per cent mark in 1960 and closed on the 50 per cent mark in 1970.

Past 60 per cent, there is no longer any real contest. Minnesota and Indiana are good examples. Since they passed 60 per cent their legislatures, each in its own way, have opened up to every kind of pro-metropolitan legislation that has been proposed. Ten of the 50 states, containing some 79.4 million people (or nearly 40 per cent of the country's total population), are 75 per cent urban or more, which means that urban and state interests are essentially identical.

Cities—of varying sizes and with varying interests, to be sure—are in the saddle in virtually all of the states today, and rural-urban conflict has given way to new inter-urban conflicts in whose resolution the state government plays a legitimate and not unfair role, even if the losers, in the great tradition of American politics, holler "foul" at every opportunity. Today the old myth is perpetuated by such phe-

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nomena as the political squabbles between New York City and New York State (85 per cent urban)—which are the logical outcome of the inevitable clash between a powerful mayor and an equally powerful governor, both of whom, in the natural course of things, are likely to harbor national political ambitions—and the difficulties Washington, D.C., has because it belongs to no state. Not only are both these cases exceptional, but the squabbling obscures the substantial, if quiet, day-to-day intergovernmental cooperation that prevails even in these jurisdictions.

Even more significant than the fact of urban hegemony in contemporary state-city relations is the fact that state expenditures have grown extraordinarily since World War II, and that most of those expenditures, particularly in the last decade, have been funneled into urban areas, especially big cities. Unfortunately, the great fixed-cost programs such as public welfare, in which the fixed costs keep rising, have absorbed the greater part of these funds so that they are largely unavailable for more innovative uses. Worse for the public image of the states, the funds are so quickly absorbed in this manner that the public is not even aware that they have been increased—but this does not change the fact that they have been.

In fact, the states and the cities themselves have recognized that the day of conflicting state-city interests is past. For several years after it was seriously proposed, revenue sharing itself was held up by a dispute as to whether the cities would receive funds directly from Washington or through their states. In 1971, the Council of State Governments and the National League of Cities reached an agreement which ended the conflict. In a manner entirely consonant with the whole idea of American federalism, they agreed to request that Congress appropriate the monies to the states without even a fixed passthrough formula but with the provision that the states would have to negotiate with their local governments to arrive at a satisfactory distribution of the funds, thereby effectively affirming the cities' new feeling of confidence that the states will be alert to their needs through an ordinary negotiation process. While this was not the formula adopted by Congress, the agreement did pave the way for the passage of general revenue sharing legislation in 1972.

The myth of administrative incompetence

Criticism #2: The states and localities are administratively incapable of properly utilizing any additional powers that might be transferred to them. This myth also has its roots in a partial truth of

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the past. When the role of government in American society underwent drastic expansion in the 1930's, Washington did indeed set the pace in the development of a proper bureaucracy to manage the new government programs. Many of the states and localities were either unprepared or too impoverished by the Depression to respond in kind, and some were still too small in size to require so extensive an administrative apparatus. Nevertheless, most states laid the foundations during the Depression years for an administrative system appropriate to the mid-twentieth century, and then built on those foundations after World War II, when the resources denied them by circumstances for 15 years or more became available again.

Today, in my own talks with officials of federal agencies that work with their state and local opposite numbers I have found, even among those not particularly disposed to turn their functions over to other planes of government, a growing consensus affirming the competence of state and local administration. These insiders' arguments in favor of retaining a strong federal presence are based on real or perceived policy differences between them and the states and localities, not on the question of competence. Nor should this cause any great surprise. The investigations of political scientists over the past decade—totally ignored by the mythologists, of course—have consistently found no substantial difference among the three groups of bureaucrats with respect to background, capability, and dedication to their respective programs. All the studies have shown that, in most program areas, the administrative officials of all three planes of government are drawn from the same professional backgrounds and are committed to the same professional goals.

Perhaps most important, within the past decade the executive agencies of general government in both the states and localities—that is, the offices of the governors and mayors—have generally been strengthened in a manner reminiscent of the strengthening of the President's office in the 1920's and 1930's. State planning agencies are being developed as arms of the office of governor; executive office staffing has improved in cities as well as in states; and mayors and governors are increasingly using their planning staffs as resources for controlling and coordinating the multifarious activities of their governments, much as our Presidents use the Office of Management and Budget.

A good deal of this improvement has been the consequence of simple growth. While the states range in population from California's 19.7 million to Alaska's 300,000, six states, containing 40 per cent of America's population, have over 10 million people each. Five more,

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containing some 15 per cent of the total, have over five million people each. States of this size are bigger than most sovereign countries in today's world (California is almost as populous as Canada or Argentina, Pennsylvania nearly equals Australia and surpasses Belgium or Chile, New Jersey is larger than Austria, and Michigan is larger than any of the Scandinavian countries or Switzerland). All told, fully half the states have more than three million inhabitants, which means that they are as large as or larger than Ireland, Israel, New Zealand, Norway, or Uruguay—all of them countries acknowledged to be able to sustain themselves as independent nations. This means that sheer growth in population has fostered a growth in social complexity and internal resources (human and material) that, in turn, has led to more sophisticated governmental responses.

It is true that smaller states may be unable to mobilize the resources necessary for across-the-board governmental sophistication (although all major programs, both in large states and small, are now managed by personnel of relatively equal competence). Yet in many such cases local norms and expectations do not encourage "sophisticated" government on the federal model. Supposed "deficiencies" in these states and localities are often mere reflections of the tastes and wishes of their citizens.

None of the foregoing is intended to suggest that there are no problems facing state and local administrations or that all business is efficiently conducted in the states and localities; but by the same token, no one is about to claim that the federal administration is without its serious problems either. Not many Americans would deny Washington the wherewithal to administer programs because of the TFX scandal or the Post Office mess or the lack of coordination within HEW. No government has a monopoly on efficiency—or inefficiency—in the United States today. Consequently, decisions as to where to locate responsibility must hinge on other criteria.

The problem of corruption

Criticism #3: Even if the states and localities now have enough in common and sufficient administrative skills to handle the additional powers, corruption and vested interests will prevent them from utilizing those powers well. The "local corruption" argument, another favorite myth in the American political repertoire, has at least two serious inadequacies. One is a question of fact. As a group, state and local governments today are far less corrupt in the usual

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sense of the term than at any time in the past 100 years. When it comes to "conventional" corruption, the same can be said of the federal government. (The kind of corruption represented by Watergate is something new—and it is far more dangerous than old-fashioned graft and influence-peddling). A whole host of factors having to do with changes in American society have operated to reduce at all planes of government the relatively crude forms of political payoff common at the turn of the century and earlier.

This is not to suggest that there is no longer any old-fashioned corruption in government in the United States. The real question here, however, is whether Bobby Baker's style of corruption is somehow less pernicious or objectionable than that of the ex-mayor of Newark? I doubt it. Payoffs, slush funds, and links with organized crime are no more defensible when they involve federal officials than when they involve state or local ones. For that matter, there is little to be said for private corporations in this connection either, particularly in the wake of the scandal surrounding the Penn Central bankruptcy and other such examples of corporate malfeasance.

The morality of public business—governmental or nongovernmental—is rightfully a matter of concern in the United States today, but strengthening the position of the states and localities should not be contingent on that question. It may indeed be argued with considerable justice that supposed differences in the extent of corruption at the various planes of government only reflect the fact that influence-peddling in Washington is usually more genteel—since it involves the country's great enterprises—than the simpler forms involving "common folk" in the states and localities. By the same token, it may be that corruption closer to home at least gets spread more widely among those who need money than corruption in high places, which tends to reward the already privileged only. And in any event, it is important to remember that corruption at the federal plane affects the entire country, whereas at the state and local planes the consequences stop at the state or city boundaries.

A second weakness of the "local corruption" argument is its tendency to overestimate the extent to which corruption, where it exists, affects the delivery of governmental services. There are many indications that corruption has far less influence on governmental performance today than it did 80 or 100 years ago. This is because the nature of corruption has changed; the old days of straightforward bribery and "buying" of public officials have generally disappeared. Today, practices are more subtle; characteristically, they involve rewarding one's friends with favors rather than blocking proposed government

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activities. The lucrative business today is in the awarding of contracts for the delivery of services, a system which more or less guarantees that services will be delivered one way or another. Consequently, whether corruption exists or not, the services will.[2]

Corruption is a perennial governmental problem, and it is usually related to norms rooted in the local culture. By all accounts, states like Michigan, Minnesota, Virginia, and Utah are far less corrupt than the federal government. New York, North Carolina, and Pennsylvania are probably on a par with Washington in this respect, while Indiana, Louisiana, New Jersey, and Texas are probably more corrupt. Even the above list indicates that there is no simple correlation between corruption and the quality of government.

Much the same argument can be made in the case of waste. There are clearly no grounds for believing that one plane of government is more wasteful than the others, though the way in which their wastefulness is manifested may differ. Personal deficiencies of public officials cause waste and inefficiency in some of the smaller states and localities, but no more than is generated by red tape in very large bureaucracies like the federal government today.

Nor do vested interests in the states and localities cause more "distortions" of public policy than those in Washington. This proposition has been well tested in recent years as the federal government has extended its regulatory powers over coal mining, boating, flammable clothes, and, most recently, industrial safety, supposedly in response to state "failures." It has become increasingly apparent that federal regulation has meant not higher standards in these areas but an adjustment of standards toward a national mean that suits the interests of the parties being regulated, often to the dismay of those who championed federal intervention in the first place on the ground that federal action would obviously mean higher standards.

Why are federal funds needed?

Criticism #4: The states and localities have failed to assume their

[2] Massachusetts may well be a case in point. While its politics are often described as seamy, its governmental record actually makes it by any measure one of the most progressive governments in the Union, and in pioneering new programs or setting higher standards it often outdoes Washington. In the case of the Bay State, the combination of the moralistic commitment to "good government" stemming from its Puritan heritage and the desire to utilize politics to gain material advantage which is strong among many of its "ethnic" politicians has served to enhance the progressive character of that commonwealth when it comes to the delivery of services, even as it maintains its reputation for shady politics.

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proper fiscal obligations, and there is no reason why the federal government should bail them out. If the truth be known, the states and localities have borne the brunt of the effort to cope with increased demand for domestic services since the end of World War II. No matter what base period is used, the fiscal data confirm this. Since 1946, state and local revenues from their own sources have risen from under $10 billion to over $100 billion, or by more than 10 times, while federal revenues have only quadrupled. Between 1960 and 1969—a decade of great expansion of federal activities—federal expenditures rose 69 per cent, including increases for the Vietnam war, but state and local expenditures rose 76 per cent. For only a few brief years during the mid-1960's at the height of the Great Society did federal expenditures increase at the same rate as those of the states and cities.

In 1969, three fifths of the states with their local governments spent over $2 billion annually. Approximately two fifths spent over $4 billion. No state (with its localities) spent less than $0.5 billion. The present Administration has announced that California and New York stand to gain half a billion dollars each from revenue sharing, yet the state and local governments of each now spend in the vicinity of *$30 billion annually.*

The diversion of federal resources to the Vietnam war increased the burden on the states and localities to support domestic government activities. (Under the Constitution, this is how it should be; those who believe in strong state and local government cannot find fault in an arrangement whereby the states and localities provide something like two thirds of the funds for domestic purposes and the federal government approximately one third.) The states and localities did not shirk their responsibility to provide this larger share. In any given year, approximately four fifths of the states increase their taxes to pay for new services or added costs. Their problem is that they are caught either way. If they fail to provide adequate services, they are faulted for their failure. If they supply adequate services, the steady increase in fixed costs puts them near bankruptcy. David Grossman, Deputy Director of the Bureau of Budget of New York City, has demonstrated that mandated costs have resulted in annual increases of 15 per cent in the city's base budget in recent years. This means that the city must find $1.2 billion in new funds every year. Other big cities are luckier. Their mandated costs are increasing at a rate of only 10 per cent per year. Indeed, more than one mayor or governor has suffered defeat at the polls because an electorate lashed out at him for raising taxes to meet these rising costs. The truth is that in all too many cases the mayoralty or governorship has become

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a one-term office, not because of constitutional restrictions (which have by and large been eliminated since the end of World War II), but because of responsible action on the part of the incumbent.

At the same time, the federal government, with its foreign involvements taking precedence (and that is as it should be), has maintained its dominant role in the income tax field. There is where the crunch lies. Should Congress in its wisdom decide to drastically reduce the federal income tax, even without any formal provision for enhancing state revenues in the form of state tax credits or the like, there is little doubt that the states and localities would pick up the slack without any outside compulsion to do so. This thesis has even been tested in a limited way. When the federal government last cut taxes during the Kennedy Administration, state and local revenues increased automatically as the released funds poured into the economy to be taxed by those governments under existing levies; but, in addition, after a year's delay, no more, most states and localities raised their own taxes to absorb an even bigger share of the reduction, primarily because of the demands placed upon them by their own citizens.

Even the argument about the regressiveness of state taxes has lost potency in the last decade. Forty-five states now collect a state income tax, and several of the remaining states, which rely exclusively on the sales tax, have made that tax a far less regressive instrument than it once was by exempting such necessities as food, clothing, and medicine. As Dick Netzer has shown, a properly constructed sales tax can be less regressive than some income taxes. Only in the case of local reliance on property taxes is serious regressiveness still built into the system, but even here many states are now providing some relief for low-income taxpayers to the extent that they are fiscally able to do so. In fact, additional states are moving toward the adoption of statewide income taxes every year. What seems to be holding them back (and holding others back from substantially increasing their rates) is the already onerous burden of the federal income tax, which has virtually preempted the field.

There are good reasons for utilizing federally collected funds for increasing state and local revenues in a manner that provides some inter-state equalization and does not penalize the more progressive states in competing for new industry. But the need for revenue sharing does not mean that the states (with two or three exceptions) have been negligent or remiss in bearing the fiscal burdens placed upon them by their Constitutional responsibility for most of the domestic functions of government.

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Will federal money be wisely used?

Criticism #5: The states and localities will dissipate federal money given them without any strings attached instead of using the funds where they are most needed. The governmental functions which generate the heaviest drains on the country's fiscal resources—education, welfare, health, transportation—are precisely the ones whose necessity is generally accepted in all parts of the country or which have well-established clientele and interest-group support. The chances that any state or locality could easily ignore that public support is exceedingly slight. It has become entirely clear, in the study of federal aid programs, that once a program becomes routinized, there is rarely any difference of opinion among the planes of government as to the necessity for maintaining it. If anything, there is a tendency to freeze such programs in. There is absolutely no reason to doubt that the bulk of any shared revenues would be used to meet well-defined, well-established, and well-supported needs in these essential areas.

There is a historical precedent here which may be apt. In 1837, the federal government decided to distribute surplus revenue in the federal treasury to the states for use in meeting domestic needs that Congress felt the federal government was prohibited from undertaking directly. At that time, the great needs were for the creation of public elementary schools, the establishment of public welfare institutions, and the construction of internal improvements (particularly roads, canals, and railroads). There were those in Congress who wanted to specify, in the legislation granting the funds, that they would be used for these purposes, but the strict Constitutional constructionists of the time felt that this would be an improper exercise of federal power. The money was ultimately distributed with no formal strings but with the understanding that it would be used for such purposes—and indeed it was. While not every penny was well used (what government can ever make that claim?), a substantial share was; much of it was invested in permanent funds, with the interest to be used to support the functions in question for many years. Many of the state and local public school systems, public institutions, and even highways of today trace their origins to the surplus distribution of 1837, and more than a few are still benefiting from it.

Unrestricted revenue sharing is not likely to produce much revenue for governmental innovation or for programs less solidly established than the ones already alluded to, except in those progressive states where the drive for such programs is already strong. Were the

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federal government to rely entirely upon revenue sharing to foster national goals, this might well prove to be a problem. It is clear however, that revenue sharing is not designed to replace all categorical grants, but rather to be part of a "mix" of federal aids organized to bring about maximum efficiency in the delivery of government services with the minimum amount of red tape or extra-local control. It is assumed that categorical programs (and, for that matter, block grants) will continue to exist and, indeed, that new ones will be inaugurated when there seems to be a need to use that device to stimulate state and local activities in new areas. But where there are established programs, common professional standards of administration, general agreement as to the policies to be pursued, and local differences regarding the best way to achieve the goals embodied in those policies, revenue sharing can be a powerful and useful tool.

The case for localism

There are those who assert that, since the national government is in many respects as close to the people as local government, there is no need to sacrifice the virtues of national uniformity for the will-o'-the-wisp of local control. Given the ease of nationwide communications today, it is reasonable to argue that national political figures can reach out to their constituents in ways that make them better known than their state and local counterparts. At the same time, however, one-way communication through the media is not the only—or even the best—measure of closeness. Granted that more people watch the President on television than the mayor, it is still questionable whether sheer visibility without the possibilities of interaction constitutes "closeness" in the sense that a democracy requires. Moreover, the sheer size of the national bureaucracy creates a degree of remoteness, inefficiency, and waste that rivals that of the least professionalized state government.

But efficiency is by no means the only value involved here. Part of the strength of the American political system derives from our understanding that where men are free it is not always necessary to use direct national action to achieve national goals. Often, they can be as effectively achieved through local or state action, and in such cases the results are almost certain to be more enduring because the decisions are more solidly rooted in public opinion. The history of the great innovations in the American federal system affirms the truth of this proposition. When we created a public education sys-

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tem in the United States over 100 years ago, we did so as a matter of national policy, but we accomplished the task through local action accompanied by state and national assistance of various kinds. Our highway and welfare systems were built in essentially the same way. This general technique is an aspect of the genius of American politics.

Today there is much discussion of, and growing support for, the idea of local control—of the restoration of local self-government insofar as that is possible in our complex world. I believe this is a responsible and hopeful movement of opinion. It is not a question of whether the federal government shall abdicate its role in domestic policy; that would be as impossible as it is undesirable. The growing demand of Americans today is rather that the federal role be adjusted to accommodate the goal of local self-determination. Increasingly, it would seem, we are rediscovering the special virtues of local self-government which the Founding Fathers understood so well, and which no one in our time has set forth better than Ignazio Silone in his *School for Dictators*:

> The first test to be applied in judging an alleged democracy is the degree of self-governing attained by its local institutions. If the master's rule in the factories is absolute, if the trade unions are controlled by bureaucracies, if the province is governed by the representative of the central government, there can be no true and complete democracy. Only local government can accustom men to responsibility and independence, and enable them to take part in the wider life of the state.

I do not doubt that, in some places, greater local responsibility for making and administering public policy will engender results that liberals and persons whose concern for a particular program is unmodified by other interests will find disagreeable. In other places, the result will be just as disturbing to conservatives and to those whose opposition to particular programs is untempered by any other interest. This is the price of democracy. No doubt it is a price worth arguing about. But those who choose to discuss the issue should do so on its merits, not on the basis of the myths which have hitherto obscured them. Today there is simply no justification for thinking that the states and localities, either in principle or in practice, are less able to do the job than the federal government. In fact, there is some reason to believe that, even with their weaknesses, they will prove better able to restore public confidence in America's political institutions.

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The Pursuit of Equality

ROBERT NISBET

It is evident that, barring major physical catastrophe, war, or some other massive cause of deflection of current social interests, the idea of equality will be sovereign for the rest of this century in just about all circles concerned with the philosophical bases of public policy. One would have to go back to certain other ages in history to find a unifying theme among intellectuals possessed of the intensity and universality we find today with respect to equality. In the past, unifying ideas tended to be religious in substance. There are certainly signs that equality is taking on a sacred aspect among many minds today, that it is rapidly acquiring dogmatic status, at least among a great many philosophers and social scientists.

Equality has all the requisites for becoming a religious—a providential—idea in our affluent age. It is simple, at least in immediate conception; it is capable of extension or application to the whole of a population, even to all mankind; it can be made to seem the very purpose of modern social and political experience, indeed a purpose contained in the bone and marrow of Western history. Finally, there is in the idea of equality that essence of permanent revolution we find in so many religious values—at least those of universal religions such as Christianity, Islam, and Buddhism at the moments of their founding—when they are counterposed to the traditions and laws surrounding them.

Equality, not freedom, is, as Tocqueville emphasized, the *vis creatrix* of most modern social movements. Even when freedom is extolled by such movements, it is characteristically freedom to have equal shares of something—usually political power, but also, increasingly, other social, cultural, and intellectual goods. Certainly, this has been true in the West since the fateful writings of Rousseau. It is noteworthy that in our own time conceptions of freedom resting on autonomy, on personal and associational immunity from supposedly popular opinion, and on the capacity for creativeness, in whatever sphere, are being pushed aside more and more by conceptions in which freedom is little more than a total social experience in which all citizens are to have equal shares.

More than any other single value, equality is the mainspring of

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radicalism. No other value serves so efficiently in the work of distinguishing among the varied ideologies of the present and, for that matter, of the past couple of centuries. What one's attitude is toward equality in the whole complex of social, cultural, and economic goods tells us almost perfectly whether one is radical, liberal, or conservative. Preoccupation with equality has indeed been the constant mark of the radical in the West for a long time. The passion for equality, first vivid at the time of the Puritan Revolution, has been the essential mark of every major revolution in the West (with the possible and mixed exception of the American) and has carried with it, often in millennial degree, the urge among its more ardent votaries to undermine, topple, and destroy wherever inequality can be found.

As Tocqueville noted, equality arouses passions, at least in modern times, denied even to freedom. In substantial part, this role of equality as a motivating value is the product of the growth of large populations; the erosion of local and regional boundaries which could once conceal inequalities, or render innocuous those that had been noticed; the rise of large, legally undiversified electoral masses; and, above all, a constantly accelerating political centralization that, by its very nature, has dissolved ancient identities and made people increasingly aware of themselves as more or less identical units. There is nothing strange, really, in the ascendant place the value of equality has in our society. "When inequality of conditions is the common law of society, the most marked inequalities do not strike the eye; when everything is nearly on the same level, the slightest are marked enough to hurt it. Hence the desire for equality always becomes more insatiable in proportion as equality is more complete."

There is truth, of course, in Tocqueville's words. It is not certain, though, exactly how far this truth applies in American society at the present time. That the desire for equality as keystone of national social policy is great, even insatiable, among substantial numbers of intellectuals is evident enough. But among the people at large? Individuals at all levels may at times burn with the sense of injustice, may feel and struggle against the sense of dispossession, may crave more than they have, but it is far from certain that a majority, if given the clear choice, would wish for a generalized policy of equality, whether of income or anything else. There is something, after all, that appeals to the imagination, to the risk-taking sensibility, to the ever present hope of "hitting it big," in a non-equalitarian society where channels of mobility are at least reasonably open. Beyond this, hierarchy and inequality are key elements of the social bond. We become used to these elements in nearly all forms of association, starting with family. And there is, finally, the seemingly ineradicable American respect for merit, and for goods and statuses arrived at (or which appear to have been arrived at) through merit.

There is, in sum, undoubted truth in Tocqueville's words on the place of equality, as a value, in modern populations. It does indeed bulk large, especially during times of revolutionary or near-revolu-

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tionary crisis. And yet, the element of truth notwithstanding, it would be hard to validate the proposition in general terms through a polling of the American people today. All evidence suggests that a very large number of Americans are indifferent, if not actually hostile, to any idea for national social policy that has substantial equalitarianism behind it.

This fact, this seeming indifference among the multitudes regarding inequality as such, cannot fail to have much the same effect upon our contemporary lay priests of equalitarianism that similar indifference among pagan multitudes regarding Christian values must have had upon early missionaries. If certain crucial practices are *not* regarded as sins, if indeed there is widespread stubbornness among people in this respect, and if there is a deeply rooted reluctance to accept the new god as the sole or sovereign god, then only steps of the most heroic nature can be usefully contemplated. Thought must be given to social surgery of the most radical kind. How will it otherwise be possible to penetrate to the innermost depths of moral belief and of social tradition?

Something of this is beginning to be realized by intellectuals today, and no doubt such realization will spread widely among intellectuals during the years just ahead. Christopher Jencks, with a candor that is still somewhat rare, tells us in the final pages of his *Inequality:* "The crucial problem today is that relatively few people view income inequality as a serious problem." Precisely. Or any other kind of inequality. What is desired is not so much equality of any kind as freedom, whether individual or collective, to pursue chosen ends to the limit of capacity and desire. But such freedom, even when granted by law and convention to a degree not yet attained in America, will not satisfy our intellectuals, our priests in service to the god of equality (God is not dead; God is Equality; and this is rapidly becoming as much the case within organized Christianity as it is among descendants of Rousseau and his fellow *philosophes*). One remembers the hard-shelled missionary in Maugham's *Rain* saying of his South Sea parishioners: "The trouble with these people is that they will not believe in sin even when it is shown to them." So it is with Professor Jencks' parishioners, the hungry sheep for whom he has assumed responsibility. If we want substantial redistribution, Jencks writes (in a chapter reminiscently and excitingly titled "What Is to Be Done?"), "We will not only have to politicize the question of income inequality but alter people's basic assumptions about the extent to which they are responsible for their neighbors and their neighbors for them." How true. So reflected St. Paul, and after him a long succession of Christian missionaries, right down to the Berrigans. So reflected Rousseau, no Christian, but no less the messianic apostle of the only true good—which in his case, as in the case of our contemporary *hommes de zèle,* was equality, no less, no more.

The problem, though, is a formidable one: convincing a popula-

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tion against its conscious will that it is in fact living in immorality and injustice, that its true good lies elsewhere. Left to ordinary processes of decision, even—as Jencks has shown in some detail—when these processes are based upon free public education that is more or less constantly bombarded by the equalitarian views of intellectuals able to make their way to the fore, the people still cannot be counted on to adore equality as the first of the social virtues. Respect for equality before the law, yes, though with reservations and few illusions; and respect also for reasonable equality of opportunity in education and in getting jobs suited to one's talents and desires. But for the overwhelming majority, that is about it. On the evidence of polls and surveys there is little respect for the kind of equalitarianism that matters most to intellectuals: equalitarianism that would by design sweep away the built-in inequalities of family, of inheritance, of luck, and of individual ability and aptitude. To most people legitimate equality is epitomized by equality of *opportunity* for the great diversity of tastes, talents, strengths, and aspirations to be found in a population. But to a rising number of intellectuals this is the worst kind of *inequality*, for it produces, it is said, a meritocracy, which is in its own way as evil as any of the historic forms of aristocratic privilege.

Majority will, the historic foundation of democracy, cannot, then, be counted on to inaugurate the regime of equality that is desired by intellectuals. Does this have implications for the future of democracy? May we look forward to the growth of a political theory that is rooted not in majority will but instead in virtue and justice (these terms meaning, for intellectuals, equality)? The politics of virtue, from Plato to Rousseau, has rarely coincided in the past with anything easily describable as democracy.

We shall see. Present disaffection with politics, spreading alienation from the ideal of the political community and its values, and widening rents in the social fabric might easily produce a situation within the near future whereby majority will would be jettisoned along with a few other historic marks of political democracy. True, in such circumstances it would by no means follow that power in the hands of equality-oriented intellectuals would result. It might be —and on the evidence of history probably would be—power of a very different sort, power that might use the rhetoric of equality as window-dressing, as Augustus, Torquemada, Napoleon, and even Hitler did, but that would surely have its mind on something else. Still, hope springs eternal in the intellectual breast.

THE recent work that can certainly be counted on to keep hope buoyant so far as realization of the City of Equality is concerned is John Rawls' *A Theory of Justice*. I do not recall in my lifetime a book in philosophy greeted with as much praise as has been accorded this book. On both sides of the Atlantic, Rawls (who is Professor of Philosophy at Harvard University and Chairman of the Department of Philosophy there) has been hailed as author of the

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greatest work in ethics since Sidgwick's *The Methods of Ethics,* certainly, and quite possibly since Kant's writings on moral theory. I rather imagine that among circles of professional, genuinely informed philosophers, much of this enthusiasm for the book will shortly wane. Although it is indubitably a learned work in its way, with incontestable evidences of the author's ingenuity of argument, second and more sober readings of the book will surely come up with judgments less rapturous than those I have seen by philosophers in, say, lead reviews in the (London) *Times Literary Supplement* and the *New York Times Book Review.* But such rumination here has to do only with appreciation of the book as the work of a philosopher. It has nothing to do with the kind of appreciation that will, I am convinced, remain unabated among equality-oriented intellectuals, among those for whom *A Theory of Justice* can be regarded as the long-awaited successor to Rousseau's *Social Contract,* and as the rock on which the Church of Equality can properly be founded in our time.[1]

The essential point is, I think, that there are really two books given us under the title of *A Theory of Justice.* One is by John Rawls, philosopher. The other is by John Rawls, *philosophe.* There is, as we know, a great difference between philosophers as such and *philosophes.* It is not necessary to idealize either group to say that whereas philosophers have as their first and overriding goal inquiry into the nature of things—of the good, the true, the beautiful—*philosophes* have as *their* goal radical critique of a social order united with a vision of social utopia. Admittedly, *philosophes* use the works and ideas of philosophy, but they use them as handmaidens in the work of outlining the City of God while destroying the City of Man. *Philosophes* may even resemble philosophers—just as philosophers may now and then indulge in *philosophe* activity. But the difference, as is known to all intellectual historians, is very great. Whatever else the *philosophes* of the late 18th century in France were, they were not philosophers. To have been called philosophers would no doubt have seemed the unkindest cut of all to Rousseau, Diderot, Condorcet, and the others. Merely read what Rousseau thought of the "herds of textbook authors" in his day, or note the purposes of the *Encyclopedia.*

I do not for a moment dispute Professor Rawls' claim to be a philosopher or to have written a book in philosophy. I merely suggest, on the evidence of *A Theory of Justice,* that he is also a *philosophe,* with aims and interests which would have equipped him well for the salons of 18th-century Paris. We live, quite evidently,

[1] Professor Rawls declares that his book is grounded in Kant's moral theory. I understand I am not alone in being very skeptical of this. For every teaspoon of Kant, my own reading suggests, there are whole cupfuls of Rousseau. Strangely, though, little is said of Rousseau in *A Theory of Justice,* even though one might infer a great deal from a single remark (p. 256): "Kant's main aim is to deepen and to justify Rousseau's idea that liberty is acting in accordance with a law that we give to ourselves."

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in an age of *philosophes;* they are as honored by our upper class as ever they were in the 18th century. *Philosophes* do not like revolutions any more than wars; too many things get broken or threatened. But they love dealing with issues likely to result in revolutions and wars—issues characterized by perceptions of crisis, by conflicts of mighty abstractions, and, above all, by indictments of society united with visions of utopia. To read *philosophes* is to read about a surrounding *ancien régime* by definition rooted in corruption, inauthenticity, and tyranny, about major institutions powerless to effect reform, and about the principles of the lastingly, incorruptibly good: the social good—that is, utopia. There is a great deal of all this in Rawls. He is, without question, a lineal descendant of Rousseau.

Not, I hasten to say, in style. Rousseau may have his faults, but it would be hard to improve upon the style he adopted for his principal moral-political writings, given their objectives. He had not read much, but what he read he distilled into an oracularity that is never less than exciting to read, no matter how much one may distrust its content. With Professor Rawls it is very different. I do not know when I have read a book so dense in its rhetoric, so thicket-like in the form of its argument. One has the feeling that the book was not so much written as accumulated over the years, like some of the old mansions of the South. There is so much backing and filling, adding and subtracting of premises, introduction of assumptions where none before were necessary, and so much use of the first person pronoun (the book must set an all-time record in this respect in the history of philosophy) that one has the feeling of Rawls as a *deus ex machina.* Books are supposed to write themselves, and the best ones do. Here the person of the author is constantly intruding, redesigning the architecture, rearranging the furniture.

In some respects, too, the book is like a palimpsest. What first hits the eye is the vast number of propositions of a more or less technical kind, along with innumerable references to other philosophical works. But if we look carefully through all of this we shall see the clear outline of another work, one not by any means separate from the first but nevertheless different, one that is in direct descent from the tracts written in the 18th century by the French *philosophes.* This is the work I shall largely be concerned with in what follows.

"Justice is the first virtue of social institutions, as truth is of systems of thought." That is the electrifying sentence the book opens with, after briefest preface. Its rhetorical affinity with the celebrated opening of Rousseau's *Social Contract* will be lost to few readers. And with good reason. Just as Rousseau's exclamation about man being born free but being everywhere in chains is the axiom from which he derives an entire republic of virtue, total in its dedication to equality, so Rawls' sentence may be seen as the rock on which he builds his own community of virtue—that is, justice, itself defined as equality of the most thoroughgoing kind. The whole of *A*

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Theory of Justice is no more than an extension of that opening theme:

> Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by the many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncomprimising (pp. 3-4).

Now that is an astonishing passage and deserves to be ranked as at least a major footnote to any of the opening sections of the *Social Contract*. I dare say it would have been gladly accepted by most of the *philosophes* of 18th-century France, for it contains the thrilling and oracular rhetoric they loved, of devotion to the absolute individual and to the equally absolute moral community within which alone the ideal individual could realize himself without interference from intermediate institutions—institutions born merely out of history, convention, and ordinary use and wont. There is also the cherished depreciation of the merely political and pragmatic in human affairs. Justice, we are told, is not a matter for those mechanisms of compromise that have been humanity's chief means of reconciling the antinomies of moral abstraction throughout history. Justice demands that the "liberties of equal citizenship" be taken as antecedent and settled once and for all. The "rights secured by justice" are "not subject to political bargaining," which presumably takes care of political processes endemic in all known forms of democracy.

In fact, of course, we have no real repudiation of politics here; only of conventional politics in favor of the politics of virtue, which is, as we know, never a relative politics but always absolute. Rare indeed is the statement of political authoritarianism in Western literature that is not built around the premise of virtue or justice—each, naturally, declared absolute, non-negotiable, and superior to all ordinary processes of "political bargaining." Seldom, from the time of Plato's *Republic*, has absolute authority been presented in its own name. Almost always it is authority clothed in the garments of justice, or of freedom, or of rights, with the welfare of "the individual" held sacrosanct. I do not charge Professor Rawls with political authoritarianism; only with a Delphic intensity in the name of an absolute justice that can hardly help but suggest to many minds the sanctity of any form of power that might fulfill such justice—defined, as we shall see, as equality. It is the ineffaceable mark of every philosophy of moral absolutism to despise "political

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bargaining" and to see this as necessarily inimical to the good and just society.

To return to Professor Rawls' propositions: They express, he writes, "our intuitive conviction of the primacy of justice." But whose conviction? There, as I have suggested, is the rub. For there is no evidence, either in our own time or in the past, that justice defined as equalitarianism would be regarded by most people, intuitively, as "the first virtue of social institutions." Any more than most people, either in Rousseau's or in our time, would think of themselves as born free but living in chains.

As a historian and social scientist I would not wish, myself, to declare any single virtue sovereign over all others, and capable of being intuitively arrived at. But if I were to speculate on what the majority of us would come up with "intuitively" along these lines, I think it would not be justice, however defined. More likely it would be *protection* or *security*, followed closely by *conservation* (in the sense of perpetuation of norms and ways of life). No doubt even our remotest ancestors had, and may have occasionally snarled or fought over, rude conceptions of justice considered as fairness. And I am willing to concede that few persons, today or in the past, are likely to express a positive preference for *in*justice, once this particular value is set before them and suitably described. But to declare, as the opening line of argument in a 600-page book on morality, that justice is the virtue that will be intuitively arrived at by all human beings as primary for social institutions is to fly in the face of history and also, I would judge, in the face of sentiments regarding both security and conservation in our own day.

Now, how does Professor Rawls support his contention that justice—meaning "fairness," meaning in turn equality—is the first virtue? Through comparative history, psychology, social science? Indeed not. Here we come to the *philosophe* heart of the book, the methodology through which Rawls reaches confirmation of what is for him primary and intuitive. I am going to devote most of what remains in this review to precisely this, the book's by now celebrated method of proof and of demonstration; for we have Rawls' own word for the fact that the greater part of the rest of his book, including propositions of the most radical and sweeping kind concerning social institutions, is rooted in this method, a method epitomized by what Rawls calls "the original position" and "the veil of ignorance."

Before describing Rawls' method, though, I want to offer a little background for it by turning briefly to *philosophe* thought in 18th-century France. No reviewer I have chanced to read thus far seems to be aware of the true nature of Rawls' method of proof, a commentary no doubt on the sad decline of the history of philosophy in our time. Much is said in the reviews about Rawls' return to "social contract" theory as the means of refuting the utilitarianism that has (on Rawls' testimony, at least) dominated moral philosophy for a

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century or more. But while description of Rawls' method as "contractarianism" is perhaps not erroneous, it is far from sufficient and does not get at what is essential.

When the *philosophes* in the 18th century wished to "prove" the rightness of a given value or set of values, in their larger work of annihilating the values and structures they found around them, they availed themselves of a technique widely known then as *histoire raisonnée* or, variously, "conjectural," "hypothetical," or "speculative" history. This was set in sharpest contrast to the more conventional kind of history that concerned itself with actual persons, places, nations, and events in the annals of mankind. Such conventional history was largely repugnant to the *philosophes*, though one or two of them did it reasonably well on occasion; for, plainly, it was not the kind of investigation from which first principles and first virtues could easily be derived by those dedicated to reformation of a social order. "Hypothetical" history was a means of dealing with the nature and history of man as though he were liberated from all the "corrupting" and "distorting" influences that normally go into socialization. It was a means of contriving—to use Professor Rawls' words—an "original position" and a "veil of ignorance" for man which would then make it possible to uncover the "real" elements of man's mind and morality, and to build on these in the construction of a utopia.

Conceivably, honest and forthright critics of a social order might have said simply: "These are the values we approve of and these are the values we intend to see woven into the fabric of the social order. All else will be obliterated." But such forthrightness is alien to the mind of the true *philosophe*. He must always give the semblance of dealing with the roots of human nature, of demonstrating what would in fact be in force if it were not for a false consciousness that has been generated in men's minds by the corruptions, inauthenticities, tyrannies, and above all, inequalities, of a given social order.

Obviously, in such an enterprise the ordinary factual materials of history, social science, and experience are useless. For how is one to extract first principles and "first virtues" from the chronicles of Egyptians, Romans, and Greeks, and from tedious annals of who ruled where and when? It is Man and Mankind, not peoples and individuals of record, that we must go to if we would reach the roots of justice or find moral levers with which to move whole worlds. And for this exciting work, as the *philosophes* knew well, there was no substitute for an imagination equipped with all the desired answers in advance and capable of "proving" its intuitive correctness through use of a *histoire raisonnée* that would discard as irrelevant all recorded experiences of human beings and fix attention solely upon what could be cleverly assigned to a supposedly "original position" by the *philosophe* concerned. It was precisely in this light that Rousseau, in a frequently misunderstood and often maligned sentence at the beginning of his momentous *Discourse on*

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the Origin of Inequality, wrote: "Let us begin, then, by laying facts aside, as they do not affect the question." Rousseau was only candidly admitting a practice followed by all *philosophes* from his day to ours.

Fundamentally, this *philosophe* strategy is the real core of Professor Rawls' book. He too is playing the exciting game of imagining that through use of what he calls "the original position" (read: state of nature) he is entering on a mode of reality denied those of us who live in the caves of contemporary social science, history, and experience. He too is, in the precise sense of Rousseau's words, laying the facts aside on the ground that they do not affect the question—which indeed they do not, given the nature of the question posed by Rawls. And finally, Professor Rawls, like any sophisticated *philosophe* of two centuries ago, can say: "We want to define the original position so that we get the desired solution" (p. 141). Naturally. That is the very essence of the *philosophe* mentality. One must never lose sight of the desired, the "intuitive," solution, no matter what else one carries in the way of ethnological tidbits, alleged principles of psychology, apothegms of moral philosophy, even citations from Scripture, to supply ballast.[2]

LET us move now from method to conclusion, bearing in mind, of course, that no conclusion can be other than what has been directed by the method of inquiry. "It seems reasonable to suppose," writes Rawls, "that the parties in the original position are equal" (p.19). Well, yes, but then again it doesn't—at least when one thinks of the findings of ethnology and physical anthropology in the study of human behavior. Never mind, though. We are dealing here, not with facts, which have been laid aside in appropriate *philosophe* manner, but with an "original position" so contrived as to reveal to us what human beings *would* be, *would* think, *would* do and contract for, *if* they are imagined as having been liberated from identities conferred through processes of ordinary socialization. "The original

[2] There is, though, one major difference between what Professor Rawls does and what his illustrious forerunners in the 18th century did (that is, apart from ballast; Rawls favors game theory and tidbits from free market economics over ethnology, etc.). The French *philosophes* were drawing upon the best, or at least the commonly accepted social science and psychology of their day. Professor Rawls most assuredly is not. Taking refuge in something termed an "original position" and using a "veil of ignorance" is as far from scientific procedure as anything I can think of. Rawls seems at times to conceive of himself in the role of social scientist; there are enough references to economic theory alone to suggest this. But there is a broad gulf between what Rawls is doing in his rather simplistic use of *philosophe* method and what econometrists are involved in today in their very careful and rigorous analyses of the free market or the firm. The same has to be said of Rawls' numerous references to game theory. I am afraid the kind of game Professor Rawls is playing with imagined motivations in a hypothetical "original position" is much more like the games philosophers might give each other for Christmas than anything easily found today in the higher reaches of mathematics and economic theory.

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position," we are told, "is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair. This fact yields 'justice as fairness' " (p. 17). Indeed it does. We need add only that such a "fact" will yield just about anything one desires.

It is not possible to understand the "original position" without reference to what Professor Rawls calls "the veil of ignorance." What does this veil consist of?

> First of all no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong (p. 137).

In sum, they don't know much of anything—anything, that is, that we are justified by contemporary psychology in deeming requisite to thought and knowledge of any kind whatever. Nevertheless, Professor Rawls is shortly going to put his happy primitives through feats of cerebration that even the gods might envy. Out of the minds of his homunculi, these epistemological zombies who don't know their names, families, races, generations, or societies of origin, are going to come principles of justice and society so vast in implication as to throw all present human societies into a philosopher's limbo.

This must be said, though: Despite the parties' abysmal ignorance of the things which alone make thought possible, they are not wholly bereft. Professor Rawls assures us that his primitives in the "original position" do know "the general facts about human society." He goes on: "They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice" (p. 137). There are those who would say they sound like certain academic intellectuals of today. There are others who would say they sound exactly like the confined neurasthenics Proust described in *Remembrance of Things Past*: able endlessly to discuss and debate monumental abstractions, but helpless when it came to the simplest duties of ordinary existence.

Such is the "original position" and such is the "veil of ignorance." One's first thought is to say: Welcome to the 18th century! In a footnote (p. 137) Rawls seems uneasily aware that *someone* besides himself must have thought somewhere, sometime, of this device—but he can think of no one but J. C. Harsanyi, who, I infer, drew from

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it the wrong conclusions, inasmuch as they are pronounced utilitarian. I know nothing about the Harsanyi article referred to, but I can assure Professor Rawls that he would find much company in Parisian salons of the 18th century, where conceptualized primitives often strolled, in aristocrats' or *philosophes'* dress, discussing from the vantage point of the "veil of ignorance" and the "original position" principles of the ideal society so profound and so noble in purpose as to make surrounding culture seem base, misdirected, and obsolete.

I WILL not go into a detailed account of the principles of a just society that Professor Rawls extracts from the mouths of his happy and omniscient primitives. Those principles have been described profusely by reviewers and other admirers of the book. It will suffice to say that foremost among them are what Rawls calls his "two principles of justice for social institutions." According to the first of these momentous principles, "each person must have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (p. 302). That is, the principle of liberty is made prior to all else, even equality. Ostensibly, at any rate, it is made prior. A second reading of the passage just quoted might suggest that it is not so much liberty that Rawls has in mind there as equal shares in a vast, homogenized structure *called* liberty.

Prior or no, however, the first principle is utterly outweighed in mass and use by the second principle, which is that "social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (p. 303). And here, of course, we are out of the suburbs and in the City itself. For the book is consecrated to as radical a form of equalitarianism as may be found anywhere outside the pages of the *Social Contract.* Liberty, yes, but liberty carefully defined as a monolithic, total, practically identical experience for the entire population, something in which, by definition, people have equal shares—or else it does not exist. It was Rousseau who first perfected the technique of defining liberty in the rhetoric of equality, so as to make liberty and equality indeed virtually synonymous. Rousseau's pages abound in use of the words "freedom" and "liberty." But no one with scantest acquaintance with these pages can doubt that the words have been forged on the anvil of equality—an equality that will be total, permeating, and made to reach the depths of human consciousness.

Equality is assuredly total in Rawls. From his two fundamental principles of justice—themselves derived, it must always be remembered, from the cerebrations of his conceptualized primitives in the state of nature—Professor Rawls deduces something portentously called "the difference principle," under which "all social primary goods" must be distributed equally throughout a society unless an

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unequal distribution of any of these goods is to the advantage of the least favored. By social primary goods Rawls means not only wealth and income but such things as liberty, opportunity, and even "bases of self-respect."

Nor is it the familiar liberal concept of a merit system that Rawls proposes. Meritocracy comes in for repudiation on the ground that equality—given thrust by the two principles of justice and by the powerful and sweeping "difference principle"—would be undermined. For obviously there are differences of strength, acuity, temperament, and, inevitably, of motivation and aspiration in any group of human beings. A merit system, one based upon equal opportunity for talents and desires, would inevitably destroy that homogeneity of life Rawls seems to prize above all else. In this respect too Rawls is the child of Jean-Jacques who, directing himself precisely to the same point in the *Social Contract*, declared that the social compact (read: original position) demands that we substitute "for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right." Elsewhere in the *Social Contract* Rousseau tells us: "It is precisely because the force of circumstances tends continually to destroy equality that the force of legislation should always tend toward its maintenance."

That civil law should protect the weak from the strong, should, that is, guard their right to existence from arbitrary invasion or violence, goes without saying. It is, however, a very different thing to see the function of law as making equal the diversity of strengths and talents in all fields that is but a part of the human condition. I do not know how the absurd myth got started in modern thought that Rousseau urged a "return to nature." Nothing could be farther from the truth. He did indeed start with the concept of nature, but this was only to give even greater emphasis to his desire to create a social system so powerful, so minute and penetrating in its grasp of individuals, that a monolith of artificial equality and of equal shares of membership in an all-benign, all-knowing, and omnipotent General Will would become the basis for all life and thought.

No doubt when Professor Rawls urges upon us his revolutionary "difference principle" he wishes us to think primarily of money and property differences. If only it were possible to limit such a principle to such matters! After all, Rawls refers in the statement of his principle to "all social primary goods," and as one reflects on the matter, the real and far-reaching impact of the principle would be less in the sphere of money than in the world of the mind, of intellectual and cultural achievement, and in all the subtle but potent gradations of status in life which follow directly from differential achievement. On the evidence, it is not monetary differentiation—much as equalitarians like to dwell upon it—that galls and occasionally humiliates; it is rather the type of differentiation that comes from unequal intellectual and moral strengths, unequal applications of resolve and

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aspiration, and unequal benefactions of luck. What can we assume but that the effect of Rawls' "difference principle" would be greatest in these respects?

I cannot help thinking that the closest we come at the present time to a manifestation of Rawls' "difference principle" is in respect to Open Admissions and Affirmative Action in the college and university world. In each of these the ostensible and declared function is that of helping the disadvantaged on their way up in life. In both, however, what we see in fact is simultaneous destruction of standards of performance and of the hopes of those individuals *within the disadvantaged groups* whose talents and aspirations put them above the lowest common denominator of their groups. How, we are constrained to ask, is the long-run rise of any group in society helped by a principle—and, in the cases of the two programs I have just mentioned, by ongoing policies—that gives protection not so much to the least advantaged groups in the social order as to the least able, least qualified, and least motivated individuals among the least advantaged groups?

To be sure, Professor Rawls, writing in glittering abstraction from his Ivy League fastness, can point to, can take philosopher's refuge in, the fine-print clause that says "unless an unequal distribution of any of these goods is to the advantage of the least favored." How ingenious! But "advantage" by whose judgment? Aye, that is the question. We will probably not go wrong if we bet that the controlling judgment will emanate from intellectuals in the world of government, foundations, and academy. At least it has been that way in all other revolutions!

JOHN RAWLS is clearly a learned mind, and the sources, references, and allusions in his book reflect a wide diversity of reading. Even so, the omissions are massive, not to say staggering. In a work that makes liberty and equality the two sovereign virtues of social institutions, that indeed sees them intertwined in a theory of justice, the author might have thought it incumbent upon him to consider in some detail the long tradition in Western thought, beginning with Aristotle's criticism of Plato and continuing down to such minds as Tocqueville, Henry Maine, and James Fitzjames Stephens, among others, that has made the *conflict between liberty and equality* its theme. There is little if any such consideration in *A Theory of Justice*, however, and one can only conclude that in this as in other respects, *philosophe* conquered philosopher, with principles reached *in scrinio pectoris* deemed sufficient unto the purpose.

So might one also expect consideration of the problem of the *contexts* of liberty in society. I refer to the kinds of contexts which a large number of historians, social scientists, and philosophers have thought vital to the nourishing and reinforcement of any spirit of liberty. Professor Rawls' dedication to freedom is unimpeachable; he declares it prior in importance and lexical order even to equality. But oracularity and repetition of principle are never proper substi-

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tutes for genuine consideration of relevant circumstances and conditions. There is a long and impressive body of writings in the West which tells us that freedom needs to have roots in social differentiation, cultural pluralism, conflict of institutions, balance of power among strong social interests, and deeply based traditions—economic, religious, ethnic, and other. It is difficult to see how application of Rawls' "difference principle" could take place without destruction or substantial erosion of these—a result allowable enough if equality alone is the desired end of life, but not if equality is declared secondary to liberty, as it is so declared by Rawls. Principles are very important; but principles have consequences, and we are surely entitled in a book of this length to the author's views on both contexts and consequences.

I think most readers will find Rawls far better in his elaboration of equality, of justice as fairness, than in what he writes at great length about freedom. I believe the book would have been a better one if he had frankly abandoned his first principle of liberty, so called, and concerned himself entirely with developing the theme of equality. As I suggested above, much of the difficulty with Rawls' treatment of liberty lies in the fact that he repeatedly presents it as an overall system in which abstract individuals are to have "equal shares." It is impossible to conquer the belief that in Rawls as in Rousseau there is far more interest in the equal sharing of liberty than in the nature of liberty itself. I do not doubt that there are types of liberty in which equal shares may be decreed. This would appear to be as true of totalitarian governments as democratic ones. But there is a large and historically indispensable sphere of liberty—that relating to the pragmatic capacity of individuals and groups to express their essence, to fulfil chosen objectives, *to initiate, to create, and to do*—in which the thought of equal shares is plainly absurd. In *this* sphere we are forever dependent upon the talents, strengths, interests, and aspirations we are in some part born with and in probably larger part recipients of during the crucial early period of socialization. Plainly, chance, contingency, luck play a great role in liberty understood in this sense. Equality is nonexistent here.

When one thinks of the implications for liberty, in the sense in which it has been known by most people for a very long time in the West, of Rawls' "difference principle" (with its binding requirement that all "social primary goods" must be distributed equally or, if there must be unequal distribution, in a way that it is to the advantage of the least favored), one can only confess bewilderment as to what liberty would actually consist of in Rawls' just society. I can conceive of even a despot, especially of the Napoleonic type, approving of liberty of the kind that may be parcelled out in "equal shares." It is, on the historical record, the kind of liberty that is *not* divisible into equal shares, that is always found in the very unequal proportions in which initiative, creativity, and motivation are to be found, that has proved troubling to despots and the bureaucracies they administer.

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As I say, we must take Professor Rawls at his word that he loves liberty and wants it to be primary in his just society. But he is not thereby absolved from the responsibility of letting us know what the difference is between liberty in a society *not* founded upon his rigorous equalitarianism and liberty in the society where all "social primary goods," including opportunity and "bases of self-respect," as well as income and property, must be equal or arranged to favor the underprivileged. Incessantly repeated incantations about the "inviolability" of the person and about the absolute necessity of "liberty of conscience" will not suffice.

There is much about liberty of conscience in *A Theory of Justice.* So is there, *mutatis mutandis,* in Plato's *Republic,* in Hobbes' *Leviathan,* and in Rousseau's *Social Contract.* Rawls shows no real awareness that *mere liberty of conscience or belief is compatible with systems of extraordinary repressiveness.* I repeat, what despotic governments have immemorially feared is not anything as private and secluded as conscience or belief, but rather those expressions of action and organization which must by their nature always exist in highly unequal shares in any population, based as they are on unequal motivations and strengths. Rousseau's well-known antagonism toward the arts springs less, I judge, from any genuine "puritanism" in his makeup than from the hopelessness of trying to maintain an iron equality, or justice defined as equality, in arts, letters, and science.

Rousseau grants an absolute freedom of opinion and belief to his citizens in the very chapter of the Social Contract where he prescribes the death penalty for those who act as if they do not believe in the tenets of the Civil Religion. Of course, nothing so harsh is to be found in *A Theory of Justice.* It does come as a slight shock, though, when Rawls, following a number of pages on the sanctity of freedom of conscience (extending, *inter alia,* to civil disobedience, draft evasion, and the like), concludes with the statement: "Furthermore liberty of conscience is to be limited only when there is reasonable expectation that not doing so will damage the public order which the government should maintain" (p. 213). True, he goes on to say that such limitation must be restricted to instances where the expectation will "be based on evidence and ways of reasoning acceptable to all." But in large nations with excellent communications systems in the hands of their governments, that should not be a difficult matter. In fairness to Professor Rawls, he makes no Rousseauan reference to such limitation upon liberty as a means whereby individuals are "forced to be free." But it is worth a thought!

So is Rousseau's General Will worth a thought in any subsequent edition of *A Theory of Justice,* Rawls seems to have great trouble with the concept of majority will. One has the feeling he doesn't particularly like it—nor should he, given the outrageous preferences that democratic majorities invariably express for a social system based upon merit and achievement—but that he doesn't know quite what to do with it. What Rawls winds up doing is dissociating majority will from any of his principles of justice. That is, whatever else this deeply

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embedded principle of democracy rests on, it does *not* rest on justice, as it is defined and elaborated in *A Theory of Justice*. He writes: "It is evident from the preceding remarks that the procedure of majority rule, however it is defined, and circumscribed, has a subordinate place as a procedural device. The justification for it rests squarely on the political ends that the constitution is designed to achieve, and therefore on the two principles of justice" (p. 356). Such a statement, quite apart from whatever may lie in Professor Rawls' hopes and dreams, can serve as the basis for some tantalizing *philosophe* visions of "What Is To Be Done" when one becomes overpowered by the thought of the discrepancies between true justice and all the foibles, tastes, and whims of extant majorities. No doubt, in the years ahead, it will to serve. But if so, I recommend the powerful Rousseauan distinction between the General Will *(volonté générale)*, which is always and invariably right and may not at all coincide with a numerical majority, and the mere Will of All (*volonté de tous*) that is the product of a still uninstructed, wrong-thinking, and untreated mass formed by the accidents of history. Near the beginning of the *Discourse on Political Economy* Rousseau even provides us with some helpful instructions on how the General Will may be ascertained in a population without bothering with voting at all.

But as Rousseau was well aware, you can't hope to achieve authentic consciousness in a people—the basis of the General Will—without taking some very radical steps. Foremost among these is eradication of the family as the unit of the social order. I have always found treatment of the family to be an excellent indicator of the degree of zeal and authoritarianism, overt or latent, in a moral philosopher or political theorist. Basically, there have been two traditions in Western thought here. In one, reaching from Plato to Rousseau, the family is regarded as an insurmountable barrier to the achievement of absolute virtue or justice in a social order and therefore is to be obliterated. In the other, reaching from Aristotle to Burke and Tocqueville, the family is declared vital to the achievement and preservation of freedom and order alike in society.

Where does Professor Rawls stand? He is well aware of the social and psychological importance of the family, and refers to it in a number of places. Let us take his final reference (p. 511) as indicative. He writes: "The consistent application of the principle of fair opportunity requires us to view persons independently from the influences of their social position. But how far should this tendency be carried? It seems that when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals. Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But within the context of the theory of justice as a whole there is much less urgency to take this course."

I am afraid that most readers will take that last as quite unsatisfactory, even as a form of flinching. After all, "theory of justice as a whole" notwithstanding, there is abundant evidence that the family

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is among the most powerful generators and reinforcers of inequality in a social order. Rawls knows this very well. He has already proclaimed his willingness to see the factors of motivation, chance, and merit reduced to nullity in behalf of his cherished principle of equality. Can he, in all consistency, long neglect the family, given its demonstrable relation to inequality? Rousseau, in his *Discourse on Political Economy,* was bold and consistent where Rawls is diffident. If the young are to be brought up in the bosom of equality, "early accustomed to regard their own individuality only in its relation to the body of the State, to be aware, so to speak, of their own existence merely as part of that of the State," then they must be saved from what Rousseau refers to as "the intelligence and prejudices of fathers." Public authority must supplant domestic authority; the molecule of the family must be broken. But this, Rousseau suggests with characteristic ingenuity, should occasion no alarm, for the father "would only be changing his title and would have in common, under the name of *citizen,* the same authority over his children as he was exercising separately under the name of *father.*"

Will Professor Rawls in due time find his way to this piece of radical surgery? We can only surmise that he will. Our surmise in this respect is encouraged by the final paragraph of *A Theory of Justice,* where we are urged to think, not merely big, but "*sub specie aeternitatis,*" and to "regard the human situation not only from all social but also from all temporal points of view." And in a final sentence that arouses visions of Rousseau's legislator, Professor Rawls writes: "Purity of heart, if one could attain it, would be to act with grace and self-command from this point of view." Rousseau put the matter better: "This sublime reason [he is writing about his philosopher-legislator], far above the range of the common herd, is that whose decisions the legislator puts into the mouth of the immortals, in order to constrain by divine authority those whom human prudence could not move. The great soul of the legislator is the only miracle that can prove his mission."

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CURRENT READING

Hard Times for College Graduates

In her article in this issue, "People Work—the Youth Culture and the Labor Market," Brigitte Berger argues that the existing labor market offers little prospect of fulfilling the increasing demand among many young people for "meaningful" work. Additional confirmation of her analysis is provided by economist James W. Kuhn, writing in the *Columbia Forum* (Summer 1973), who emphasizes the problems likely to be created by the sheer size of the youth cohort that will enter the labor market in the 1970's:

> Now, in the less robust economy of the seventies, the young are pouring out of colleges and high schools, looking for work. During this decade, some 3½ million persons will enter the labor force for the first time *each year*—700,000 more per year than in the sixties. If the economy is to keep unemployment to even its present rate of 5 percent, it must create jobs at a considerably faster pace. Young adult men in particular will be hard-pressed, since not only will they be competing with women as never before (if employers obey the Equal Employment Opportunity and Equal Pay acts), but also three times as many people will have joined the labor force in the 1970's as joined between 1960 and 1970.
>
> The employment opportunities projected by the Department of Labor cannot comfort these young workers. Professional and technical jobs, already scarce compared to opportunities in the booming sixties, will increase at a markedly slower rate, as will clerical jobs. Indeed, a government task force on higher education warns that by 1977 every recognized profession will be over-supplied with college graduates. The Department of Health, Education, and Welfare announced that by 1978 even doctors will be in ample supply. It is not surprising, then, that the Bureau of Labor Statistics forecasts that as many as 2.6 million college graduates may have to accept jobs below the level of competence for which they have been trained.

Educational Seduction

There are those who feel that much of what is accepted as social science these days is hardly distinguishable from double talk. Recent-

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ly, these cynics received some notable confirmation for their view from a rather unexpected source—an experiment by social scientists. The results of this striking experiment are described by Malcolm G. Scully in the *Chronicle of Higher Education* (10/15/73):

> The lecturer was Dr. Myron L. Fox, an authority on the application of mathematics to human behavior.
>
> His topic: "Mathematical Game Theory as Applied to Physical Education."
>
> His credentials: Impressive.
>
> His audience: 55 medical educators, psychologists, psychiatrists, and educational administrators.
>
> The only problem with the above scene, which actually took place, was that Dr. Myron L. Fox was a fraud—a professional actor decked out with phony degrees and publications to seem respectable.
>
> He had been coached to present his topic and conduct the question-and-answer period "with an excessive use of double-talk, neologisms and non sequiturs, and contradictory statements."
>
> "All this was to be interspersed with parenthetical humor and meaningless references to unrelated topics," report his coaches.
>
> Dr. Fox was part of an elaborate scheme devised by three medical educators to find out whether the audience would be seduced by the style of the presentation.
>
> They were.
>
> Not one of the 55 victims of the hoax recognized it. One of them thought he had read Dr. Fox's publications.
>
> Even so, not all of the victims were impressed with Dr. Fox. One thought the presentation was "too intellectual"; another described him as being "somewhat disorganized."
>
> But overall, reported the authors of the study, the 55 subjects "responded favorably at a significant level to an eight-item questionnaire concerning their attitudes toward the lecture."
>
> The authors of the study were Donald H. Naftulin, director of the division of continuing education in psychiatry at the University of Southern California; John E. Ware, Jr., assistant professor of medical education at Southern Illinois University; and Frank A. Donnelly, instructor in psychiatry at the University of Southern California.
>
> Their hypothesis was that given a sufficiently "impressive" lecturer and environment for the lecture, "even experienced educators participating in a new learning experience can be seduced into feeling satisfied that they have learned, despite irrelevant, conflicting, and meaningless content conveyed by the lecturer."
>
> The 55 subjects of the survey were divided into three groups: 11 psychiatrists, psychologists, and social-worker educators; 11 other psychiatrists, psychologists, and psychiatric social workers; and 33 educators and administrators enrolled in a graduate course in educational philosophy.
>
> "The three groups of learners in this study, all of whom had grown up in the academic community and were experienced educators, obvi-

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ously failed as 'competent crap detectors,' and were seduced by the style of Dr. Fox's presentation," the authors report.

They suggest that their study, while it may have had some procedural inadequacies, raises serious questions about the use of student ratings of faculty members.

"Student satisfaction with learning may represent little more than the illusion of having learned," they conclude.

Their report of the study, "The Doctor Fox Lecture: A Paradigm of Educational Seduction," has been published in *The Journal of Medical Education*.

The Blessings of the First-born

It has been argued that the prime and perhaps ineradicable source of inequalities in individual intelligence is the family. There is, of course, vigorous debate about the respective roles played by heredity and environment in shaping the influence of family background upon intelligence, but it is generally assumed that the determining factor is having this or that particular set of parents. New research, however, has demonstrated that other variables related to family structure may have a significant effect upon intellectual ability —namely, birth order and family size. It appears that children from smaller families are, on the average, more intelligent than those from larger families. What is more, first-born children tend to be more intelligent than second-borns, second-borns more intelligent than than third-borns, and so on down the line!

Drs. Lillian Belmont and Francis A. Marolla studied the relation of birth order and family size to intellectual competence in a national population of almost 400,000 19-year-old men in the Netherlands. Their data were drawn from Dutch draft board examination records; the measure of intelligence used was scores on the Raven Progressive Matrices test. They also broke down their findings by social class (based upon the occupational group—manual, non-manual, or farm —of the boys' fathers at the time of their military examination). In the December 14, 1973 issue of *Science*, Drs. Belmont and Marolla presented the results of their study:

> This study serves to confirm the existence of independent relations of birth order and of family size to intellectual performance.
>
> When the variables were examined separately, a relatively straightforward set of findings emerged. We found that there was an inverse relation between family size and Raven score; as family size increased, level of ability declined. So too, as birth order position became greater, the level of ability declined. In fact, there was a tendency for a gradient to exist such that firstborns showed better ability than secondborns, who in turn were better in Raven performance than thirdborns, and so forth.
>
> Since family size and birth order are not independent of each other, each variable was examined within the context of the other. The results

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indicated that, in general, birth order and family size had separate effects on intellectual performance. For most family sizes, independent effects of family size were clear except for last borns. When these effects family size bore no systematic relation to level of Raven performance were not uniform. The effects were strongest in the manual group and less marked in the nonmanual group. Furthermore, in the farm group, family size bore no systematic relation to level of Raven performance when birth order was controlled.

In contrast to effects of family size, the effect of birth order position on intellectual performance within each family size was relatively consistent across social groups. The effect of birth order was regular and systematic in smaller (two- through four-child) families, present but less consistent in five- and six-child families, and present but inconsistent in large families. We have, then, several indications of birth order effects: firstborns, excluding individuals from one-child families, consistently showed better Raven performance than later borns. Also, there was a gradient in level of ability related to birth order position, and this gradient was particularly marked in the smaller families. . . .

The effect of family size on intelligence has not been explained; the hypotheses advanced relate to the tendency for less adequate parents to have larger families—some saying this tendency is genetic, others saying the sheer size of a large family leads to fewer material goods or less maternal attention for each child, still others citing both factors. Such explanations, of course, do not consider the effects of birth order.

The effects of birth order on intelligence had not previously been established and therefore called for no explanation. The effect found in our study does not admit of a genetic explanation; there is no known way in which genetic characteristics can be associated with birth order. All genetic models assume the combinations of the genetic contributions from each parent's pool of genes to be random for each birth and without regard to birth order. Some would advance interpersonal explanations and argue, for example, that parents pay increasingly less attention to each additional child as the family becomes larger. Perhaps biological explanations are also tenable; mothers might become less effective reproducers with an increasing number of children. Social class differences have been advanced by others to explain birth order effects on intelligence. However, the role of social class is ruled out here. We examined effects of birth order within each social class in a total population and found that the effects hold in all three social groups.

The "Collapse of Institutions"

From an article by Eleanor Blau in *The New York Times* (12/11/73):

Worshipers wound through the cavernous Cathedral Church of St. John the Divine on a recent Sunday, shaking tambourines, singing plainsong and watching medieval mystery plays.

In the basement, members of a mystical Islamic sect thumped their

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drums. Black feminists met in the Synod house, and a professor, in a dialogue sermon with the cathedral dean, discussed the collapse of institutions. In the yard, members of a Tai Chi workshop did oriental meditation exercises. . . .

Criminality and the Schools

In his article on Dunbar High School, Thomas Sowell points out that although the greatest barrier to effective education in many schools is disruptive and trouble-making students, it generally is not considered "chic" to acknowledge that such a problem even exists. A chilling statistical demonstration of the reality and growing magnitude of criminal behavior in New York City schools is provided by Jeremiah McKenna in the Winter 1974 issue of the new quarterly *New York Affairs*:

> The best available indicator of criminal conduct among the school-age population is police arrest statistics. A police arrest represents a police officer or crime victim testifying under oath that he witnessed or suffered a crime committed by the person arrested. What portion of the universe of crime is represented by police arrests is another issue, but police arrests remain our bedrock indicator of the extent of crime.
>
> The felony arrest statistics for juveniles under sixteen in New York City are staggering. In 1968, the police arrested twenty-seven boys under sixteen for murder. In 1972, they arrested seventy-three. In 1968, seventy-seven males under sixteen were arrested for forcible rape. By 1972 the number had climbed to 152. In the major category of robbery, the juvenile arrests rose from 2,487 in 1968 to 4,386 in 1972. Some 2,884 juvenile burglars were arrested in 1968 and 3,703 in 1972.
>
> The figures for the sixteen-to-eighteen age group are even greater. Cumulating felony arrests for anyone eighteen years old or younger, which would include the entire school age population in the city, an alarming picture unfolds of an increasingly violent and crime-prone student element moving through the city's school system.
>
> Most of these arrests resulted from crimes committed against individual adults or businesses. But it seems a fair deduction that a young criminal willing to risk committing a serious crime against an adult in a public place is also willing to commit a crime against a younger, weaker and more vulnerable fellow student. The inclination of the young delinquent to victimize his student peers is reinforced by the knowledge that the victim will be reluctant to complain—whether out of fear of reprisal or the certain knowledge that the school authorities won't take effective action or the peer group's code of *omerta*. The trend over the last six years has, therefore, been a rising rate of serious criminality among the school-age population which should have been visible to anyone interested enough to investigate. . . .
>
> . . . In the 1972-73 school year, the entire school system suspended 172 students. In 1972 the city police arrested 219 school-age youths for the crime of murder. In the first six months of 1973, the arrests for murder

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Felony Arrests in New York City of Persons Eighteen Years Old or Younger

	1968	1969	1970	1971	1972
Murder	135	116	97	163	219
Rape	223	238	217	270	353
Burglary	5015	5033	5598	6219	6765
Robbery	4910	5317	6011	7175	8056
Arson	210	341	248	219	252
Sex Offenses	184	304	284	235	317
Drugs	1565	2705	3960	2869	1612
Weapons	332	329	400	509	877
Mischief	209	130	143	187	313
Assault	1606	1660	1752	1659	2187

among the school-age population are much higher than the same period in 1972. Many of these murderers, and practically all of the juvenile rapists, robbers, burglars and drug offenders have been released by the courts back into the school system.

For the last three full calendar years, 1970-72, the number of felony arrests each year of the school-age population approximates 5 percent of the junior and senior high school population. While some youths may be arrested more than once in a year, the number of arrests among the presumably first-time offenders in the under-sixteen age group has risen inexorably every year. Since there is no attrition, and since the juvenile criminal presumably stays in school for two, three or four years beyond his first arrest, the arrest statistics are really cumulative, so that in some schools 15 percent of the student body may already have been arrested for a serious crime.

Who Opposes Social Change?

It is often thought that the rich, who have a "vested interest" in the status quo, are the group that most strongly resists social change in this country. But figures cited by pollster Louis Harris, in a speech to the National Conference of State Legislative Leaders, indicate that just the opposite may really be the case. Harris' surveys showed that while those earning over $15,000 per year and those earning under $5,000 are in substantial agreement on economic questions, the lower-income group is much more resistant to change over a wide range of other issues:

—On continuing the Watergate Committee hearings into campaign dirty tricks: the under $5,000 oppose the hearings by 48-45%, while the $15,000 and over group favor them by 56-40%.
—Legalizing abortion—only 27% of the under $5,000 group favors such a move, compared with a thumping 62% of the $15,000 and over group.
—Willingness to raise taxes to curb pollution: 52% of the lowest income group, compared to 71% of the highest income people.

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—Favorably disposed toward efforts of consumer advocate Ralph Nader: 37% of the $5,000 and under group, compared with a much higher 67% of the people with incomes of $15,000 and over.
—Would turn in a son or daughter possessing marijuana: 57% of the low income people, but only 27% of the high income people.
—Believe Blacks are asking for more than they are ready: 59% of the lower income group, but only 21% of the upper income group.
—Banning newspapers which preach revolution: 55% of the low income people, but no more than 17% of the high income people.
On a whole series of issues, results such as these emerge from survey after survey we conduct. They are trying to tell us a message. *And, it is this: people with the least means are most resistant to change in America. People who possess privilege and education are at the forefront of change.*

Health Care—the Rich Get Richer

An article called "Small Area Variations in Health Care Delivery" appearing in the December 14, 1973 issue of *Science* magazine contains some interesting findings about the peculiarities of the health care system in the United States. The article, by John Wennberg and Alan Gittelsohn, is based on figures obtained from a new health data monitoring system that has been operating in Vermont since 1969. The system is based on the division of the state into 13 geographically distinct hospital service areas. One purpose of the system was to make possible comparisons between the "utilization rates" of various health services in the different areas. Resulting data tend to confirm other indications that in the United States there are differences in the use and delivery of health services that are "difficult to attribute to differences in illness rates:"

> The per capita number of days spent in a hospital, reflecting the combined effect of medical decisions about admissions and about length of stay, varied widely over the Vermont service areas. Tonsillectomy days per 10,000 persons, adjusted for age, varied from 17 to a high of 314. Appendectomy days ranged from 42 to 204, prostatectomy from 65 to 524, hysterectomy from 64 to 616, and mastectomy from 21 to 198. . . .
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> Hospitalization rates for specific admitting diagnoses and for surgical procedures are almost ten times greater in some hospital service areas as in others. Neither the medical literature nor our data provides substantial clues as to whether spending six times more for electrocardiograms or seven times more for laboratory services results in greater improvement in health for persons age 65 and over than does a lesser expenditure. Tonsillectomy provides an example of variability. Assuming that age-specific rates remain stable, there is a 19 percent probability that a child living in Vermont will have his tonsils removed by age 20. The probability recorded in the highest service area is over 66 percent, as contrasted with probabilities ranging fom 16 percent to 22 percent in the five neighboring communities, which are ostensibly similar in demographic characteristics. There are no data available that would allow

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us to relate these variations to the prevalence of tonsilitis, but it appears that the variations are more likely to be associated with differences in beliefs among physicians concerning the indications for, and efficacy of, the procedure.

More startling than the confirmation of the increasingly recognized tendency of demand to expand with supply in the health care market are the authors' findings about government financing of health services. Since Medicare and Medicaid reimbursements and Hill-Burton grants for hospital construction are based on the use of existing health services, the greater the use of facilities in any given area, the greater claim that area has on additional funds for health care. This leads to a situation in which the growth in medical resources and grants is most rapid in areas that already have the largest health care systems, thus increasing the disparities between different regions:

A review of the decisions of the Hill-Burton and Price Commission agencies in Vermont reveals the difficulties of public regulation without the benefit of information about variations in per capita facility and manpower input, expenditures and service utilization. The information available to these agencies is based on indicators that do not describe the experience of the population receiving services from the regulated health care organizations. They cannot take into account the effect of their decision on lateral transfer of income nor appraise the value of increasing the rate of delivery of services.

The planning method used by the Hill-Burton agency in Vermont is similar to that used in most states. The formula for estimating hospital bed need is based on manifest demand, as measured by hospital patient days (without reference to the population), and an average daily patient census equal to 80 percent of a hospital's total beds. Population coverage enters the formula only through projected growth. No account is taken of admissions of area residents to other hospitals or of services delivered to nonresident patients (which in area 12, for example, comprise over one-third of all admissions). The single underlying premise is that demand, in terms of the total number of days a hospital bed is used, constitutes need. . . .

Both the Hill-Burton and the Price Commission decisions have served to *increase* variations in health care in Vermont. The decisions of the Price Commission to award a selective exception to a Vermont area with high hospital manpower use and expenditure rates will probably increase the disparities among areas and increase horizontal transfer of income. The building of additional facilities in high utilization areas presumably will lead to increased utilization. Both decisions probably will result in the delivery of additional health services without evidence that additional health services are of specific value for the receiving population.

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